

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
JANUARY SESSION OF 1941



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WEDNESDAY, JANUARY 1, 1941.

On the first Wednesday in January, the year of our Lord one thousand nine hundred and forty-one, being the day designated by the constitution for the assembling of that body, the one hundred and twenty-seventh General Court of the State of New Hampshire, convened at the Capitol in the City of Concord, and the representatives elect were called to order by Cyril J. Fretwell, Clerk of the House for the preceding session.

The acting clerk proceeded to call the roll, and 387 members answering to their names, a quorum was declared present.

On motion of Mr. Chase of Manchester.

*Resolved*, That a committee of three be appointed by the clerk to wait upon His Excellency the Governor, and inform him that a quorum of the House is assembled, and requests his attendance.

The Clerk appointed Mr. Hayes of Rochester, Miss Spollett of Hampstead, and Mr. Seymour of Carroll.

His Excellency the Governor, having been informed that a quorum of the House was assembled, appeared, and the following named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing to the oaths of office agreeably to the provisions of the Constitution.

**Rockingham County**

Atkinson . . . . .	Harry B. Tuttle
Auburn . . . . .	Harvey F. Stowe*
Brentwood . . . . .	LeRoy M. Lake
Candia . . . . .	Eliot U. Wyman
Chester . . . . .	Preston E. Goodrich
Danville . . . . .	Mahlon C. Currier
Deerfield . . . . .	Carl M. Fogg
Derry . . . . .	Edward E. Berthiaume
	Harold W. Corson
	George H. Grinnell
	Robert Morrison
Epping . . . . .	Thomas W. Fecteau
Exeter . . . . .	Helen D. Bourn
	Frank M. Cilley
	Frank R. Goodale
	Walter O. Pennell
Fremont . . . . .	John E. Robbins
Hampstead . . . . .	Doris M. Spollett
Hampton . . . . .	Dean B. Merrill
Kensington . . . . .	Horace O. Evans
Kingston . . . . .	Warren S. Keay
Londonderry . . . . .	Frank A. Nesmith
New Castle . . . . .	James W. Pridham
Newfields . . . . .	Eugene C. Patridge
Newington . . . . .	Charles W. Coleman
Newmarket . . . . .	Arthur A. Labranche
	Eugene Rousseau
Newton . . . . .	Robert S. Prescott
North Hampton . . . . .	Paul W. Hobbs
Northwood . . . . .	Robert A. Johnson
Nottingham . . . . .	Waldo H. Sanborn
Plaistow . . . . .	John A. Palmer
Portsmouth—	
Ward 1 . . . . .	Andrew J. Barrett
	Mary C. Dondero*
	Patrick J. Kittredge



## Portsmouth—

Ward 2 . . . . .	Harry H. Foote Edwin W. Gray Alvin F. Redden John H. Yeaton
Ward 3 . . . . .	William S. Canty James R. McNeil
Ward 4 . . . . .	Frederick Schlegel*
Ward 5 . . . . .	John Burkhardt* Patrick E. Kane .
Raymond . . . . .	Lewis W. Holmes
Rye . . . . .	Ernest A. Tucker
Salem . . . . .	William Barron Leonard B. Peever
Seabrook . . . . .	Lucien W. Foote
Stratham . . . . .	Fred L. Jewell

## Strafford County

Barrington . . . . .	Jack G. Hayes
Dover—	
Ward 1 . . . . .	Clifton R. Hayes James M. Jackson* Thomas H. Keenan
Ward 2 . . . . .	Albert Courchene Daniel J. Cronin William N. Shaheen
Ward 3 . . . . .	H. Howard Hartford A. Ray Kennard
Ward 4 . . . . .	Edward J. Ackroyd George I. Leighton Ernest L. Lucas
Ward 5 . . . . .	George E. Brennan
Durham . . . . .	J. Guy Smart
Farmington . . . . .	Carl C. Blanchard Frank E. Webster
Lee . . . . .	David B. Bartlett
Milton . . . . .	George W. Longley

New Durham . . . . .	William Smith
Rochester—	
Ward 1 . . . . .	George C. Nadeau
Ward 2 . . . . .	John F. Conrad
	George Y. Emerson
Ward 3 . . . . .	Samuel Hale
Ward 4 . . . . .	Aurette Beaudoin
	George J. Potvin
Ward 5 . . . . .	Joshua Studley
Ward 6 . . . . .	Llewellyn F. Fernald
	O. William Hayes
Rollinsford . . . . .	Forrest L. Nutter
Somersworth—	
Ward 1 . . . . .	Albert Hamel
Ward 2 . . . . .	Napoleon A. Habel
Ward 3 . . . . .	Alfred J. Boucher
Ward 4 . . . . .	Edmond G. Hebert
	Albert J. Nadeau
Ward 5 . . . . .	Fred J. Coffin
Strafford . . . . .	Ellsworth H. Berry

### Belknap County

Alton . . . . .	Charles A. Rollins
Barnstead . . . . .	Joseph H. Cotton
Belmont . . . . .	Samuel P. Philbrick
Center Harbor . . . . .	Clarence E. Nichols
Gilford . . . . .	Arthur H. Lord
Gilmanton . . . . .	Morse E. Brown
Laconia—	
Ward 1 . . . . .	David O'Shan
	George W. Tarlson
Ward 2 . . . . .	Alfred L. Guay
	Fortunat A. Normandin*
Ward 3 . . . . .	Elmer S. Tilton
Ward 4 . . . . .	Joseph H. Roucher
	Frederick A. Tilton*



**Laconia—**

Ward 5 . . . . .	Arthur R. Merrill Harry J. Rivers
Ward 6 . . . . .	John M. Ewing Charles O. Hopkins
Meredith . . . . .	J. Frank Neal Leander G. Pynn
New Hampton . . . . .	Joseph W. Smith
Sanbornton . . . . .	Walter D. Woodman
Tilton . . . . .	Ned C. Rogers

**Carroll County**

Bartlett . . . . .	Scott C. W. Simpson
Conway . . . . .	Ralph L. Grindle Leslie C. Hill Chester M. Wiggin, Jr.
Freedom . . . . .	Fred Huntress
Madison . . . . .	Guy W. Nickerson
Moultonborough . . . . .	Edith D. Banfield
Ossipee . . . . .	Harry P. Smart
Sandwich . . . . .	Perley C. Knox
Tamworth . . . . .	Leonard H. Vittum
Tuftonboro . . . . .	Carl D. Hayes
Wakefield . . . . .	Alden N. Young
Wolfeboro . . . . .	Raymond E. Jewell George F. Thibodeau

**Merrimack County**

Allentown . . . . .	Narcisse V. Guilbeault
Andover . . . . .	Victor E. Phelps
Boscawen . . . . .	Harry W. Carter
Bow . . . . .	Asa H. Morgan
Bradford . . . . .	Reuben S. Moore
Canterbury . . . . .	Frank L. Laird
Chichester . . . . .	Leon A. Sanborn

## Concord—

Ward 1 . . . . .	Charles P. Coakley William J. Veroneau
Ward 2 . . . . .	John E. Davis
Ward 3 . . . . .	Arthur F. Henry
Ward 4 . . . . .	Albert S. Baker* Sara E. Otis Robert W. Potter*
Ward 5 . . . . .	William H. Fletcher George H. Nash
Ward 6 . . . . .	John S. Clinton Winslow H. Osborne Arthur F. Sturtevant John C. Tilton
Ward 7 . . . . .	Shirley Brunel John E. Buntin Donald G. Matson Richard F. Upton
Ward 8 . . . . .	John H. Mayo
Ward 9 . . . . .	Joseph J. Comi J. Russ Sullivan
Danbury . . . . .	John O. Ford
Dunbarton . . . . .	Henry Milburn
Epsom . . . . .	Edwin L. Bunker
Franklin—	
Ward 1 . . . . .	Lester C. Maxfield
Ward 2 . . . . .	Eusebe P. Lemire J. Charles Riel
Ward 3 . . . . .	Louis H. Douphinett Charles D. Whittier
Henniker . . . . .	Diamond A. Maxwell
Hill . . . . .	Ruth M. Rounds
Hooksett . . . . .	Edward M. DuDevoir Alphonse LaFond
Hopkinton . . . . .	Lewis A. Nelson
Loudon . . . . .	Martyn B. Kenney
New London . . . . .	Herbert D. Swift



Northfield . . . . .	Albert A. Carr
Pembroke . . . . .	Oscar I. Boisvert
	Antonio A. Dupont
Pittsfield . . . . .	George E. Freese
	John H. Perkins
Sutton . . . . .	William B. Connor
Warner . . . . .	Alfred S. Cloues
Webster . . . . .	Adam E. Mock
Wilmot . . . . .	Ernest Stuart

### Hillsborough County

Amherst . . . . .	Ralph C. Bills
Antrim . . . . .	Hugh M. Graham
Bedford . . . . .	Ralph M. Wiggin
Bennington . . . . .	George E. Edwards
Brookline . . . . .	Grover C. Farwell
Francestown . . . . .	Carroll F. Clark
Goffstown . . . . .	F. Arthur Bartlett
	John W. Brown
	Ralph E. Wakefield
Greenfield . . . . .	George A. Reynolds
Greenville . . . . .	Bernadette E. Charois
Hancock . . . . .	Frederic W. Gleason
Hillsborough . . . . .	George W. Boynton
	Frank D. Gay
Hollis . . . . .	Edward Lievens
Hudson . . . . .	Roland W. Abbott
	Edwin H. Morrill
Lyndeborough . . . . .	Erwin E. Cummings
Manchester—	
Ward 1 . . . . .	Stoddard B. E. Chase
	Joel S. Daniels, Sr.
	Edward T. Knowlton
	J. Walker Wiggin
Ward 2 . . . . .	Wayne D. Anderson
	Charles H. Barnard
	Robert E. Carter

## Manchester—

Ward 2 . . . . .	Perley W. Gage Charles E. Woodbury
Ward 3 . . . . .	Joseph M. Barry* Patrick F. Bresnahan* Timothy F. Dowd Timothy J. Shea Walter P. Sullivan
Ward 4 . . . . .	John J. Frain Dominick J. Kean Thomas J. McGowan* D. Frank O'Neil Joseph J. Betley*
Ward 5 . . . . .	Patrick J. Creighton Napoleon Dulac Joseph P. Healy Arthur J. Lacroix Martin L. Mahoney* John C. O'Brien
Ward 6 . . . . .	William J. Booth* John G. Clancy* Thomas J. Connolly Frank M. Fox, Jr.* Patrick J. O'Connell, Jr. James E. Slowey*
Ward 7 . . . . .	Armand J. Benoit* Joseph C. Gaumont Mark J. Gorham Arthur J. Jean* Alonzo J. Tessier Gedeon A. Turcotte
Ward 8 . . . . .	Edmond Benoit Joseph Chevrette George N. Constant Eugene Delisle, Jr. Michael S. Donnelly John J. Kane



## Manchester—

Ward 8 . . . . .	Leonard L. Provencher Pete H. Roy
Ward 9 . . . . .	Clarence F. Adams John F. Driscoll* Patrick J. Egan
Ward 10 . . . . .	Marye L. Caron Oscar E. Getz Medora Gilmartin William F. Stewart
Ward 11 . . . . .	Hubert T. Carroll Thomas J. Conway, Jr. Francis P. Grady Joseph J. Roukey
Ward 12 . . . . .	Joseph P. Aubin J. Charles Durette Henry Huard Albert H. Prince Hector J. Rousseau
Ward 13 . . . . .	Charles E. Daniel Adolphe Duval Origene E. Lesmerises Arthur Thibodeau* Roland M. Turgeon
Merrimack . . . . .	Edward W. Carter
Milford . . . . .	George L. Ellison George F. Jewett Fred T. Wadleigh

## Nashua—

Ward 1 . . . . .	Blaylock Atherton Mabel Thompson Cooper Walter N. Davis Charles I. Woodbury
Ward 2 . . . . .	Fred E. Landry John L. Sweeney
Ward 3 . . . . .	Emile Carrier Octave J. Goulet* Hector Trombley*

## Nashua—

Ward 4 . . . . .	George D. Spalding Timothy J. Sullivan
Ward 5 . . . . .	Arthur Bilodeau Amedee Plourde Leonard G. Velishka
Ward 6 . . . . .	Louis W. Paquette* Frank B. Shea Robert St. Francois
Ward 7 . . . . .	Alfred Betters Aimable B. Goyette Dennis F. Sweeney
Ward 8 . . . . .	Rodolphe Cormier Wilfred J. Grandmaison Honore D. LeBlanc John D. Wilcox
Ward 9 . . . . .	Paul E. Bouthillier Auguste Senechal
New Boston . . . . .	Albert E. Shedd
New Ipswich . . . . .	William T. Thompson
Pelham . . . . .	Ernest Q. Bigelow
Peterborough . . . . .	Perkins Bass George A. Myhaver
Weare . . . . .	Frank H. Peaslee
Wilton . . . . .	Peter J. Dugan

## Cheshire County

Alstead . . . . .	Donald W. Moore
Chesterfield . . . . .	E. James Winslow
Dublin . . . . .	Charles R. Thomas
Fitzwilliam . . . . .	George F. Miller
Gilsum . . . . .	Pauline I. Hanson
Harrisville . . . . .	John N. Clark
Hinsdale . . . . .	Abbie H. Robertson
Jaffrey . . . . .	George H. Duncan Charles M. Mills

## Keene—

Ward 1 . . . . .	Ben O. Aldrich Francis P. Callahan Russell F. Batchelor
Ward 2 . . . . .	Sidney S. Frissell Guy F. Lombard
Ward 3 . . . . .	Wallace E. Mason* James Cowling Hilton*
Ward 4 . . . . .	Harry C. Lichman Robert M. Sayers
Ward 5 . . . . .	John M. Duffy Lawrence M. Pickett
Marlborough . . . . .	Ray E. Tarbox
Rindge . . . . .	Henry M. Hale
Swanzey . . . . .	Ralph A. Blake Bert W. Wheeler John N. Grimes
Troy . . . . .	Francis Doucette
Walpole . . . . .	Harold O. Pierce Earl Brennan
Westmoreland . . . . .	Frederick H. Ingham
Winchester . . . . .	Luman R. Nelson

## Sullivan County

Acworth . . . . .	Ellis E. Higley
Charlestown . . . . .	Frank W. Hamlin
Claremont . . . . .	Arthur W. Barrows Louis A. Beland James D. Daly Minnie C. Decker Harry J. Delorier William L. Gaffney Ruth M. Hamilton Alfred J. Marcotte Edward J. Mercier, Jr. Owen J. Murphy



Cornish . . . . .	Harry D. Witherill
Goshen . . . . .	Lester E. Brigham
Lempster . . . . .	Fred A. Barton
Newport . . . . .	Elsie C. Bailey
	John J. Condon
	Leon E. Kempton
	Edward J. Maley
Plainfield . . . . .	Fred A. Mark
Springfield . . . . .	Seely W. Philbrick
Sunapee . . . . .	Leo L. Osborne
Unity . . . . .	George B. Cram

### Grafton County

Alexandria . . . . .	Harry D. Rollins
Ashland . . . . .	William A. Brown
Bath . . . . .	Amos N. Blandin
Bethlehem . . . . .	George T. Noyes
Bristol . . . . .	John W. Coolidge
Campton . . . . .	Bertram W. Pulsifer
Canaan . . . . .	Frank B. Clarke
Enfield . . . . .	Isaac H. Sanborn
Franconia . . . . .	William P. Hodge
Grafton . . . . .	Henry M. Valia
Hanover . . . . .	Archie B. Gile
	Charles A. Holden
	Edgar H. Hunter
Haverhill . . . . .	Alec J. Cryan
	Lewis E. Davison
	Frank R. Dean
Holderness . . . . .	Harold E. Haley
Landaff . . . . .	Roscoe J. Oakes
Lebanon . . . . .	Earl T. Burby
	Daniel E. Butler
	Matthew S. Gile
	Frank X. Guay
	Napoleon A. Jette
	Frank Kelley*

Lincoln . . . . .	Sherman Adams
Lisbon . . . . .	James E. Collins
	Arthur L. Hamilton
Littleton . . . . .	Clare R. Blount
	Lawrence W. Collins
	Mabel M. Downing
	Henry F. Whitcomb
Lyme . . . . .	Frank H. Bailey
Monroe . . . . .	Harlan J. Johnson
Orford . . . . .	Charles L. Cushman
Piermont . . . . .	Ernest D. Day*
Plymouth . . . . .	Kenneth G. Bell
	Harry A. Merrill
Rumney . . . . .	Jesse A. Barney
Thornton . . . . .	Kenneth Robbins
Warren . . . . .	Ira H. Morse*
Wentworth . . . . .	Charles A. Gilbert
Woodstock . . . . .	Harry D. Sawyer

### Coos County

#### Berlin—

Ward 1 . . . . .	Peter Collette
	Edward F. Hinchey
	Elisabeth H. Mason
	Henry M. Moffett
	Henry A. Smith
Ward 2 . . . . .	Mark E. Evans
	Clara A. Lazure
	Ovila Lemieux
	George T. Studd
Ward 3 . . . . .	Hilda C. F. Brungot
	Marie A. Christiansen
	Raoul L. Ramsey
Ward 4 . . . . .	Esther C. Bixby
	Alphonsine M. Dugas
	Rebecca Gagnon
	Fred G. Hayes, Jr.

Carroll . . . . .	Joseph A. Seymour
Colebrook . . . . .	Clark Fuller
	Samuel A. Weeks
Columbia . . . . .	Albion Parkhurst
Dalton . . . . .	William O. Emerson
Gorham . . . . .	Charles A. Chandler
	James A. Fraser
Jefferson . . . . .	Raymond G. Kimball
Lancaster . . . . .	Arthur C. Cryan*
	Lula J. A. Morris
Milan . . . . .	Lloyd E. Fogg
Northumberland . . . . .	William H. Ashe, Jr.
	Donald W. Marshall*
Pittsburg . . . . .	Frank W. Baldwin
Stewartstown . . . . .	George M. Weeks
Stratford . . . . .	Ralph M. Hutchins
Whitefield . . . . .	Carl E. Taylor

The clerk called the House to order, and stated that the first order of business is election of a temporary presiding officer.

Mr. Barnard of Manchester placed in nomination Mr. Wadleigh of Milford, and moved his election.

On a *viva voce* vote Mr. Wadleigh was declared elected temporary presiding officer, and was escorted to the chair by Mr. Duncan of Jaffrey.

On motion of Mr. Daniels of Manchester, Ward 1, the House proceeded to the election of a Speaker by ballot. The presiding officer appointed Mr. Woodbury of Manchester, and Mrs. Charois of Greenville, as a committee to receive, sort and count the ballots.

Mr. Woodbury for the committee reported the following result of the ballot:

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\* Those marked with an asterisk were not present but appeared and qualified later as will be found in the daily proceedings of the House. i



Whole number of votes cast .....	388
Necessary for a choice .....	194
Charles Barnard .....	241
George Duncan .....	147

On motion of Mr. Duncan of Jaffrey, the election was made unanimous, and Mr. Barnard was declared elected Speaker, and was escorted to the chair by Mr. Duncan of Jaffrey.

The Speaker addressed the House as follows:

At this time, I wish to express my thanks to all those who have so loyally contributed in any way to my election. I am deeply sensible that this office is both an honor and a responsibility. I am prepared for the responsibility, and my only thought is that all members, whatever their opinion, shall find a full, fair and complete opportunity to present their case.

We meet in dark times, which test the capacity of every legislative body. The conflict rages between government of laws and government of men. Let us forget personal prejudices and differences and preserve in New Hampshire a government of laws. I am convinced we want no other system.

I promise you as short and efficient session as circumstances will permit. I urge the several standing committees to meet for organization as soon as possible. It will be helpful to schedule hearings as far as possible in advance and to meet several days a week.

The Rules Committee will be urged to resist all attempts to introduce bills through it, after the period allowed by the rules has closed.

I urge a study of the Digest, distributed previous to the session, and I pledge you my full effort to serve you for the best interest of the state.

The House proceeded with the election of a Clerk.

Mr. Wadleigh of Milford placed in nomination for Clerk, Cyril J. Fretwell of Concord.

Mr. Merrill of Plymouth placed in nomination for Clerk, Harry P. Goodwin of Bethlehem.

On motion of Mr. Duncan the Speaker was instructed to cast one ballot for Cyril J. Fretwell and he was declared elected Clerk.

The House proceeded with the election of Assistant Clerk.

Mr. Wadleigh of Milford placed in nomination for Assistant Clerk, Robert L. Stark of Goffstown.

Mr. O'Brien of Manchester placed in nomination for Assistant Clerk, Yvon Caron of Manchester.

On motion of Mr. Duncan of Jaffrey the Clerk was instructed to cast one ballot for Robert L. Stark, and he was declared elected Assistant Clerk.

The House proceeded with the election of Sergeant-at-Arms.

Mr. Wadleigh of Milford placed in nomination for Sergeant-at-Arms, Guy S. Neal.

Mr. Cormier of Nashua placed in nomination for Sergeant-at-Arms, William O'Neil of Nashua.

On motion of Mr. Duncan of Jaffrey the Clerk was instructed to cast one ballot for Guy S. Neal and he was declared elected Sergeant-at-Arms.

On motion of Mr. Wadleigh of Milford.

*Resolved*, That Harry S. Yeaton, Lenne C. Twombly, Sherman L. Greer and George L. Knowlton were elected doorkeepers by acclamation.

Cyril J. Fretwell, Robert L. Stark, Guy S. Neal, Harry S. Yeaton, Lenne C. Twombly, Sherman L. Greer, and George F. Knowlton then appeared and were duly qualified by taking the oath as clerk, assistant clerk, sergeant-at-arms and doorkeepers respectively.

CYRIL J. FRETWELL,

*Clerk for 1939-1940.*

On motion of Mr. Jewell of Wolfeboro.

*Resolved*, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Charles H. Barnard, Speaker, Cyril J. Fretwell, Clerk, Robert L. Stark, Assistant Clerk and Guy S. Neal, Sergeant-at-Arms.

On motion of Mr. Duncan of Jaffrey.

*Resolved*, That a committee of five be appointed by the chair to wait upon His Excellency, the Governor, and inform him that a quorum of each branch of the Legislature has assembled and is ready to receive any communication he may be pleased to make.

The Speaker named as such committee, Messrs. Tarbox of Marlborough, Grinnell of Derry, Simpson of Bartlett, Duncan of Jaffrey and Osborne of Sunapee.

On motion of Mr. Atherton of Nashua.

*Resolved*, That the House of Representatives will be ready to meet the Honorable Senate at 12 o'clock today for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

### Senate Message

*Resolved*, That the House of Representatives be informed that the Senate having assembled, has organized by the choice of William M. Cole, as President, Benjamin F. Greer, as Clerk, Frank M. Ayer, as Assistant Clerk, Raymond B. Lakeman, as Sergeant-at-Arms, Paul A. Mansur, as Messenger, and William W. Allen, as Doorkeeper, and is now ready to proceed with the business of the session.

### Joint Convention

The Honorable Senate then came in and the two branches being in convention.



### Committee Report

Mr. Tarbox of Marlborough for the committee reported that the committee appointed to wait upon His Excellency Francis P. Murphy, Governor, had attended to that duty and that His Excellency, the Governor, had a communication which he desired to make.

His Excellency, the Governor, and the Honorable Council then appeared and delivered the following message:

### Exaugural Address to the General Court of New Hampshire

*by* GOVERNOR FRANCIS P. MURPHY

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Here, on this first day of a new year—a new year freighted more with hope than with fear—I look into your faces with deep emotion.

In 1936 and again in 1938, the people of New Hampshire honored me by electing me the Chief Executive of this State. For the past four years, I have exerted every effort to keep faith with the confidence placed in me. It has been my continuing purpose to justify this great honor by building a sound, businesslike, progressive administration.

It has not been easy. Present-day government is not only a major business enterprise, but it is also a complex organism presenting frequent obstacles traditionally and otherwise acquired—obstacles which do not appear in private business.

I came to the office of Governor after many years of business and administrative experience, not to accept a job, but for the greatly appreciated opportunity to serve my State. It was my belief then, and it is my belief now, that such experience should and must be brought to bear on the problems of government in

a modern state. I have tried to apply this experience to the conduct of the executive office in administering the state's affairs. Efficiency, economy of operation, creation of assets, sound social gains—these have been keystones in my policy. Beyond this I have insisted upon a general forward-looking program, based on a long-range view, and as a consequence you will find that my administration has many achievements of lasting benefit. Such achievements will pay dividends to citizens in the years ahead as well as to us here now, for we have at all times avoided the merely expedient and kept a steady gaze toward the future. It is of these things then, the outstanding accomplishments of the administration, that I talk to you today. As for the more routine progress or detailed statistics, department by department, all such information pertaining to their normal functioning can be found summarized in their respective printed reports.

It is customary, when a Governor is succeeded by another, for the retiring executive to address to the incoming legislature, at its first assembly, a farewell message in the form of a report in which he summarizes the accomplishments of the administration which is ending and describes the condition of the government at that time.

Government belongs to the people, and an administration of the people should strive to achieve some things for the betterment of the people. Only by making life more civilized and liveable is true progress attained.

It has been one of my ambitions to better the social conditions of the people in this state. They contribute towards making our state a more pleasant and more human place to live.

I shall take but little time in referring to the past for, even to list by title only the many good laws that were placed upon the statute books by the General

Courts of 1937 and 1939 and to discuss in the briefest way the more important administration policies adopted, would consume more time than could now be spared either by you or by me.

This administration insisted in the creation of any commissions, wherever possible, that the cost of administration be charged to those who were principally benefited. It was in accordance with that principle that the General Court of 1937 established the Board of Registration of Hairdressers, the Barbers' Licensing Board, the Board of Accountancy and the Milk Control Board. In every instance, the legislation was so drafted as to make each of those units self-supporting on a fee basis. The operations of these bodies have proved of considerable value to the public as a whole, yet they constitute no burden upon the general taxpayers.

The Department of State Police came into existence three and a half years ago as a result of the consolidation of the highway motor patrol and the investigation division of the Attorney-General's office. This agency, I believe, was sorely needed and it quickly justified its establishment. Through this department all police activities throughout the state are coordinated and made more effective. Under it the work of criminal identification and classification, highway patrol and full police protection, is organized properly. The State Police has not only assumed the job of patrolling highways and enforcing motor vehicle regulations, but it is empowered to deal with all other types of law violations and has the right to make arrests.

A year ago, a state-wide radio system was incorporated. Working in cooperation with local police and law officials as well as with state police of other states, this department has saved many thousands of dollars to the people. Our rural, formerly unpoliced



areas, now enjoy protection. The detection and apprehension of criminals are revelations in efficiency and speed.

One of the important, though sometimes overlooked, functions of the State Police is the regular monthly inspection of summer homes and property. There are over 20,000 such homes, cabins and camps in the state, unused through winter months, and, prior to the State Police, damage to them, as well as theft of property was considerable. The first year of State Police operation saw this toll reduced by more than half, and last winter such unlawfulness was reduced to well under 10 per cent of what it had been previous to this protection.

The elimination of the employees' contribution to the Unemployment Compensation fund was beneficial both to the worker in the factory and to the best interests of the State. The act saved the employees a million and a quarter dollars each year which was retained in New Hampshire for the benefit of our merchants. In other words, by eliminating the employees' contribution to this fund, it was much the same as though we had induced a new industry to come to the State with a payroll of a million and a quarter dollars annually.

Additional service to labor during this administration was brought about by the revision of the Workmen's Compensation Law which increased the amounts of money paid to injured workmen from a minimum of \$7 and a maximum of \$15 weekly to a minimum of \$8 and a maximum of \$18 weekly. The death compensation was likewise raised from \$4500 to \$5400, and a new provision covering special losses and permanent injuries was added. Moreover, New Hampshire continues to be the first state in the nation to permit the worker a choice between accepting such compensation or bringing suit in the courts. Every other state

denies the worker the right to refuse compensation and seek redress in court.

I should like to call attention to two other progressive developments, the laws intended to eliminate the so-called Bang's disease from cattle and a law designed for the eradication of pullorum, a disease common to poultry. Both of these problems have long been costly to our farmers, and in the case of Bang's disease, a constant menace to human health, for the milk from a cow with Bang's disease, can produce undulant fever among consumers. Through a most careful inspection and blood tests, diseased cattle are detected swiftly and condemned, preventing the rapid spread of the disease to healthy herds. Damages are paid to the farmer owning condemned cattle according to a special scale dependent upon the value and the salvage price. Great progress is being made in curing and eventually wiping out this disease.

In the case of the malady which is prevalent among poultry, a similar plan is in operation. By freeing hatcheries and poultry farms of this disease, substantial savings are being made for farmers. The favorable reaction to the procedure is seen in the profitable markets established with large Southern hatcheries which are eager to purchase hatching chicks from farms where the tests have been in effect for a suitable period.

An important piece of legislation which had my support was the establishment of a Department of Probation, a division to deal with misdirected lives; to guide those who have strayed from the path of law and honor; and to restore to useful social service those who, otherwise, might terminate their days in a prison cell, supported at the public expense in idleness and hatred.

The sum of \$25,000 a year was appropriated for the conduct of this essential work and the wise expendi-

ture of these funds, since the department has been operating, has, beyond question, saved the state a very great sum of money. In addition to the direct savings in the department, there are the many indirect economies which have followed the conversion of more than 600 persons from the condition of social liabilities to that of self-respecting wage earners, contributing to the income of the people of New Hampshire and bearing their share in the human burdens.

During the past two years, 53 persons have been taken under the supervision of the Probation Department who, otherwise, would have been committed to the State Prison. Four hundred sixteen persons now on probation would have undoubtedly been sent to County Jails and Houses of Correction, and 178 juveniles now being guided by the Probation Department, would, without any doubt, now be confined at the State Industrial School. I think every member of the Legislature can appreciate the saving this means when you realize that it costs the taxpayers \$488 a year to maintain a single inmate at the State Prison, at the County Jail \$276 per year and the Industrial School \$472.

In addition to that saving, the Probation Department has collected in fines, restitution costs, and family support, a total of \$52,364.33. Had it not been for the follow-up work of the probation officers in collecting these monies which were ordered to be paid by the court, it is safe to say that only a small fraction of that amount would have been collected.

A great many people think of this department as some sort of social or welfare agency, not stopping to realize that it is earning real money for the taxpayers.

I might point out that control has been the principal consideration in operation of the New Hampshire Liquor Commission. I have felt strongly that the so-called dry minority in this state, men, women and



children, are entitled to the best control of the liquor business that we can devise. So that no citizen may be offended by any abuse of liquor privilege through lax conduct of private clubs or public cafes where liquor is dispensed, I have seen to it that the enforcement division of the Liquor Department is well-manned.

I believe every one of you will agree with me that a farmer owning twenty cows and having one hired man would not expect that man to give the cows the proper care if he increased the herd to 80 or 100. It is just as simple in the control of the liquor problem. When I took office in 1937, 2,301 liquor and beer licenses were in effect in the State of New Hampshire. This figure has now been increased to 2,709. Because of this substantial growth in the number of places dispensing liquor and beer in the state, the department was rapidly getting out of control. In the year ending June 30, 1937, there were 820 violations of the liquor laws while during the year ending June 30, 1940, since we have had the proper supervision, the number of violations has dropped to 331.

The statute creating the sale of liquor in this state emphatically states that it is for control and I believe that every Chief of Police in the entire State of New Hampshire will agree that the supervision of this department has never been better since the law was enacted.

The efficiency of the Liquor Commission is not only proven by its control, but it is also reflected in the financial returns to the State. In 1936, before I took office, the Liquor Commission paid to the State Treasurer for the benefit of the taxpayers, \$1,138,865.63. For the year ending June 30, 1940, the Commission paid to the Treasurer \$1,809,494.49, or a gain, during my administration, of \$670,628.86.

New Hampshire's control of the sale of liquor is today recognized by those who are in a position to



make a study of all the control systems, as a leader of all the states in the nation.

All through my terms as Governor, I have endeavored to establish a suitable merit system for all state employees. This is legislation which I believe is essential for the continued maintenance of a high standard of service as well as for the protection and recognition of employees' work. Unfortunately, the merit bill proposed was not adopted in 1937 or 1939, but the amendment of the Social Security Act in Congress on August 10, 1939, required that the State Public Assistance laws and Unemployment Compensation laws must include, after January 1, 1940, a provision for methods relating to the establishment of personnel standards on a merit basis. This amendment required that a merit system be adopted by all state departments receiving federal aid and that all state employees whose salaries are paid in part or in full from federal monies be selected and rated on the basis of merit. It was also required in the amendment that a Merit Council be appointed in our State within thirty days from the effective date of the law, that the Council should be composed of three members who shall be public-spirited persons of recognized standing and of known interest in the improvement of public administration and in the impartial selection of efficient government personnel.

On December 27, 1939, the Merit System Council was appointed, consisting of Mr. Raymond C. Magrath of Durham, Chairman, Mrs. LaFell Dickinson of Keene and Mr. Maurice F. Devine of Manchester. This Council in turn selected a supervisor who was appointed on March 1, 1940.

The merit system was established to cover the 350 employees in four state departments, namely, the Unemployment Compensation Division, the State Employment Service, the Department of Public Welfare and

the State Board of Health. It has worked out very satisfactorily to the heads of departments as well as the employees, and could easily be adopted for all state departments.

Before the Congress of 1938 adjourned, there was enacted a new flood control law which asserted the right of the federal government to enter into any state and therein to acquire title to such lands as were considered essential to the execution of the flood control program.

There were many in our state who questioned the legality of this Act passed by Congress and many of you will recall that I came before the 1939 Legislature with a special message, pleading with them to cooperate with the federal government on flood control for the protection of life and property in our state. I am now quoting from that message:

"I have earnestly searched my own mind and have painstakingly sought good counsel both from private and public sources in New Hampshire and other states and in Washington.

"It is my positive opinion, based upon those advices, that the United States Government in the exercise of its national sovereign power undoubtedly has right, under the constitution and under existing federal and state laws to acquire, without consent of the state, whatever land it may need for flood control purposes."

My advice to the Legislature was severely criticized by some who believed that the Supreme Court would not uphold the federal government in this act. But that is now "water over the dam," as two weeks ago, the Supreme Court handed down a decision in clear, understandable language, that jurisdiction is granted to the federal government over all streams and it makes no difference whether or not such streams are navigable.

And so, again, the judgment of the administration,

approved by the Legislature, places New Hampshire a year and a half ahead on flood control, and I hope that the people of Hopkinton and Contoocook can now see that the action of their Governor in his cooperation with the federal government, probably prevented the construction of the Contoocook Dam, as our agreement in the bill passed by the Legislature was that the selection of sites for dams would be approved by the Governor and Council.

As we all know, recreation has become a leading industry in the State of New Hampshire. Good roads are no longer a luxury but a necessity, used by everyone, not only in recreation but in business and in farming and in transport. It has been the constant policy of my administration to improve, develop and maintain our state highway system so that it may be of utmost value to the citizens and strangers within our borders, not only in the summer months, but the year around.

One highly successful innovation in highway planning has been the six-year budget. For example, bonds to the amount of five million dollars were authorized to repair flood damage to town and state highways, and to meet federal aid. Careful planning made it possible to reduce the actual bond issue to \$3,500,000. This six-year highway budget plan, should, I believe, be continued. In the four years beginning with 1937 and through 1940, the sum of \$30,789,000 was expended upon our highways, an average of \$7,700,000 each year. Of this amount costs of maintenance averaged from 33 to 42 per cent. But, during those four years a total of 127.78 miles of trunk-line highways were constructed; 288.68 miles of secondary highways were constructed. Besides all this new work, 143 bridges were built, including the new Portsmouth Bridge.

This new bridge and the by-passing of the City of Portsmouth is one of the big achievements of this



administration. The entire project was financed by the federal government with no credit guarantee whatever from the State of New Hampshire, brought about by friendly and cooperative relations between New Hampshire state officials and federal agencies.

Perhaps the most popular single stretch of highway construction is the 12½ miles of the old Londonderry Turnpike which shortens the distance between Concord and Derry by four miles and provides by-passes for Manchester and Derry. I call attention also to the construction of 5½ miles of concrete highway between Concord and Franklin and the reconstruction of 17½ miles of highway between Concord and Dover.

In passing, it might be added that laws providing for a pension and retirement plan for teachers and a similar plan for the pension and retirement of firemen in the state had my endorsement and personal support. Also, according to the law, state employees are entitled to automatic pay raises. During the depths of the depression, these raises were suspended. In my administration, the increases were restored and have been continued as they should be.

Ever since I entered public life, I have been much concerned regarding the heavy burden of taxation on real property in New Hampshire and it was my ambition, as Governor, to do something to ease this burden.

In my first administration, by careful planning of the budget, we were able to reduce the state tax on real property 25% and in my second administration, it was eliminated entirely by repealing the real estate tax and substituting the tobacco tax.

I will not burden you with the problems I had in making this change for the benefit of the home-owner and the farmer, but it is a pleasure for me to stand here today and say that the predictions I made regarding income and legality have been sustained in every way.



It is gratifying for me to be able to report to you that the State of New Hampshire is enjoying robust financial health. At the end of the fiscal year, June 30, 1936, a budget deficit existed amounting to \$198,520.49. On June 30, 1940, there existed a budget surplus of \$542,159.11.

The net bonded indebtedness on June 30, 1936 was \$12,227,045.00. On June 30, 1940, \$10,627,438.97.

Since June 30, bonds amounting to \$6,599,000 which were authorized by the Legislatures of 1937 and 1939 have been issued for the following projects:

Highways .....	\$3,500,000
State House Annex .....	600,000
Aerial Tramway .....	195,000
Sullivan and Scammel Bridge Approaches .....	40,000
Manchester Armory .....	400,000
Rye Harbor Jetties .....	90,000
Laconia School .....	65,000
Glencliff Sanitorium Heating Plant.....	20,000
State Prison .....	95,000
State Hospital and Laconia State School	500,000
Bang's Disease .....	200,000
State Building Program .....	870,000
Rye Harbor Improvement .....	24,000

You realize that a Governor has little to do with the increase or decrease in the bonded indebtedness of a state. The Legislature alone appropriates the money and he carries out the mandate of the Legislature. He can show his executive ability only by the economy and prudence with which the money is expended. Following this thought, I will give you two examples of where I was able to render the state a really valuable service.

Up until the bond issue just mentioned, no bonds had been issued in this administration, because I visualized the money market and realized that with

the credit standing of New Hampshire, we could borrow on short-term notes with a very low rate of interest which would create a substantial saving over issuing bonds with an interest coupon of at least  $1\frac{1}{2}\%$ .

I had Mr. Drayton, the Certified Public Accountant, give me a report on what this saving amounted to during this period and, if we had issued bonds averaging nine or ten years, with a coupon of  $1\frac{1}{2}\%$ , the state would have paid interest charges of \$218,552.31. On the short-term notes, our plan, we paid interest charges of \$4,157.41, and made a saving of \$214,394.90 up to July 15, 1940. On these short-term notes, we were able to borrow money as low as .04% or  $1/25$  of 1%.

When Italy declared war on England, the money market stiffened for a bit and the bankers became a little jittery. It disturbed me also and I felt the time had come for me to issue the bonds that had been authorized by the Legislature.

We asked for bids on this \$6,599,000 recently referred to and 40 financial houses submitted figures. In opening them, I felt the interest coupon was too high as all submitted bids for a 2% interest charge. I rejected all bids and many thought I had made a mistake and would not be able to get as low a price again. However, inside of 48 hours we had sold the bonds by private sale with a coupon of  $1\frac{1}{2}\%$ . This saving of  $\frac{1}{2}\%$  on \$6,599,000 for an average life of 9 years amounted to \$293,655.00 and, added to the previous saving of \$214,394.90, makes a gross gain of \$508,049.90, or over half a million dollars.

I want you to know also the construction and building that has been accomplished during the past four years which has added to the physical wealth of this state:

Bath House .....	\$121,500.00
Heating Plant and additions Glencliff Sanatorium .....	87,560.14
Boiler House and Infirmary, Laconia State School .....	202,749.47
Administration Building and Dormi- tory, Industrial School .....	215,074.79
Aerial Tramway .....	250,000.00
Rye Harbor Jetties .....	152,757.06
State House Annex .....	913,867.06
Manchester Armory .....	601,946.74
One-half Cost Portsmouth Bridge ....	1,607,000.00
Pittsburg Dam .....	2,300,000.00
State Prison Farm .....	32,733.43
	<hr/>
	\$6,485,188.69

Some time ago, a friend of mine told me that the National Academy of Design had in its possession a fund left by the late Mary Gertrude Abbey to be used for the execution of mural paintings by artists of recognized standing and ability, on the walls of public buildings in this country.

We made application on August 30, 1940, and were notified on October 29 that \$10,000 would be granted the State of New Hampshire for murals in our Senate Chamber, to be painted by Mr. Barry Faulkner of Keene.

Thinking that properly selected murals would add dignity and historical charm to the Senate Chamber, at the advice of Mr. Faulkner, the following four were selected:

1. The first commencement at Dartmouth College—1771.
2. Daniel Webster's first reading of the Constitution of the United States—1791.
3. Abbott Thayer, painter and scientist—1900.



4. Departure of General John Stark for the Battle of Bunker Hill—1775.

Also, during the two sessions of the Legislature that I have been here, I was much concerned at the lack of comfortable lounging rooms for the members, particularly the lady members, during recesses and waiting periods of committee hearings.

The modern method now enjoyed by the State of buying heat from the Concord Heating Plant, made the basement available for renovation. By obtaining a W. P. A. project and using the balance of the annex building money, authorized by the Legislature to be spent, we have succeeded in building a men's lounge room and a rest room for the ladies, besides establishing, through the kindness of Mr. Nelson of Winchester, New Hampshire, who made the donation, a museum exhibiting all the wild life of our state, which will be very interesting not only to visitors but our own citizens as well.

These, then, are some of the things accomplished. In making these farewell remarks as Governor, I have tried to touch upon only those highlights which stand out most importantly in my mind. But, I cannot conclude without saying a word or two of appreciation to my associates.

It has been not only a pleasure but a high privilege to work with the executive councilors who have given their best thought and effort to the State's interest, and, during my administration, I have had occasion to appoint or reappoint the heads of every important state department where such appointments are within my province. Because I have found these departments to be conducted efficiently and altogether for the best interests of the state, I have had no occasion to remove an official or deny a reappointment, with the exception of the State Planning and Development Commission

where changes were made. I shall leave it to your judgment to decide whether this exception was merited.

Based upon my experience during the past four years, I should like to make three recommendations to this legislature, as follows:

1. I recommend to you that you keep steadily in your minds that the average cost of running your state for the past four years has been \$8,599.968 annually, with every service maintained, and that you approach with prudence any increase requested.

2. I recommend that the Merit System now in operation in all those departments receiving federal aid be made applicable to all state departments.

3. I recommend a thorough study of the New Hampshire Financial Responsibility Law which has been a source of criticism and dissatisfaction among a large number of people, both residents and non-residents. While the main purpose of the Act is to compel motor vehicle operators and owners to be financially responsible and while this is a desirable principle, there are many features of the Act that could be changed to prevent undue hardship.

With hopes and aspirations, I stood here four years ago and again two years ago. I made pledges and voiced a program. Mr. Speaker, I stand here today, happy at a program measurably accomplished with only minor disappointments and failures only in non-essentials. I set my hand to the plow, and God in His infinite mercy and wisdom has permitted me to drive through to the end of the furrow. There it lies, behind us. It is for you to say whether it is straight and true, and productive.

In a happier world I might allow you to regard this as my farewell address. I might sound with gladness and satisfaction a note signalling my retirement from

public affairs. But, in consideration of the dangers which threaten our nation and our way of life today, I cannot in honesty seek retirement. I cannot avoid any service which I can give to my state and my country to protect and preserve the democratic way of life. If I am emerging from the burdens of service to the State of New Hampshire, I am sure you will approve of my course when I tell you that I am prepared to serve the United States to the limit of my strength and ability.

In just what forms of national service I am to engage, this is neither the time nor the place to say. But, I stand before you now, making one all-embracing plea for unity—one purpose, an undivided mobilization of our American will to preserve democracy. I make it without equivocation and without reservation. This is no time for any man or any party in the United States of America to talk of maintaining a loyal opposition, or any other kind of opposition. We must stand united, cooperative, unafraid—as Daniel Webster once said, “one and inseparable.”

In my disagreement with this partisan doctrine of a loyal opposition, I have ample precedent. Above me as you see, is a portrait of the father of our country. In speaking of my opposition to anything which tends towards lack of national unity at this time, I would remind you of something he said in his farewell address.

“Towards the preservation of your government and the permanency of your present happy state, it is necessary, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts.”

And he said in the next breath, “Let me now warn you in the most solemn manner against the baneful



effects of the spirit of party, generally. This spirit, unfortunately, is inseparable from our nature, having its roots in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy."

Those words of the then retiring President Washington are just as true in this, our own day of national danger, as they were when he spoke them. We have elected a war-time President. Let us unitedly support him as such, no matter what party label we wear.

A glorious history and a glorious heritage is New Hampshire's! So do you wonder if I seem anxious to direct your eyes to the national scene? We must enlarge our point of view. Not only must we have an impenetrable union, we must have a unity in this western hemisphere of nations which is impregnable. It will come, if we in New Hampshire and Vermont and Maine and Massachusetts and Connecticut and Rhode Island, and New York and Alabama and California and Texas and all the other states, raise our sights and declare that the forces of dictatorship shall not pass our democratic defenses.

"God give us men. A time like this demands  
Strong minds, great hearts, true faith and ready  
hands.

Men whom the lust of office does not kill;  
Men whom the spoils of office cannot buy;  
Men who possess opinions and a will;  
Men who have honor, men who will not lie;  
Men who can stand before a demagogue  
And damn his treacherous flatteries without winking;  
Tall men, sun-crowned, who live above the fog,  
In public duty and in private thinking."

On motion of Senator Bragg of District No. 10 the convention arose.

### House

On motion of Mrs. Banfield of Moultonborough.

*Resolved*, That the Senate and House of Representatives in convention assembled this first day of January, 1941, have listened with gratification to the message of Governor Francis P. Murphy and hereby express to him the high esteem in which we hold him and his conduct of his office.

On motion of Mr. Callahan of Keene.

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies of the address of His Excellency, the Governor.

On motion of Mr. Duncan of Jaffrey the House took a recess for one hour.

### After Recess

On motion of Mr. Osborne of Sunapee.

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the Constitution and for the election of a Secretary of State, State Treasurer and Commissary General at 3 o'clock this afternoon.

On motion of Mr. Chase of Manchester.

*Resolved*, That the Honorable Secretary of State be requested to lay before the convention the returns of the votes for governor and councilors cast in the last election.

On motion of Mr. Wadleigh of Milford.

*Resolved*, That the Speaker of the House is hereby authorized to appoint one custodian of mail and supplies, one warden of the cloakroom, one assistant warden of the cloakroom, one library messenger, one telephone messenger, five pages and one page to the Speaker.

On motion of Mr. Boynton of Hillsborough.

*Resolved*, That the Clerk be authorized to secure the services of one stenographer for the use of the Speaker and Clerks and two for the use of the members.

On motion of Mr. Daniels of Manchester, Ward 1.

*Resolved*, That the Committee on Judiciary be and hereby is authorized to employ the services of a stenographer and a messenger and that the Committee on Appropriations be and hereby is authorized to employ the services of a stenographer.

On motion of Mr. Bass of Peterborough.

*Resolved*, That unless otherwise ordered the hours for assembling of the House be at eleven o'clock in the forenoon and two o'clock in the afternoon until January twenty-first.

On motion of Mr. Atherton of Nashua.

*Resolved*, That the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for various committees of the House.

On motion of Mr. Matson of Concord.

*Resolved*, That the Speaker appoint a committee of two to assign seats to the members excused from drawing.

The Speaker appointed as members of such committee Messrs. Matson of Concord and Duncan of Jaffrey.

### Senate Message

The Senate adopted the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet the House in joint convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the provisions in the Constitution at two o'clock this afternoon, and for the election of a Secretary of State, State Treasurer, and Commissary General.



### Joint Convention

The Honorable Senate then came in and the two branches being in convention:

On motion of Senator Page of District No. 6.

*Resolved*, That the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same, and report thereon.

The Honorable Secretary of State then appeared and laid before the convention the returns of the votes for Governor and Councilors cast in last election.

The chairman named as such committee, Senator Page of District No. 6, and Messrs. Palmer of Plaistow and Bell of Plymouth.

### Report of Committee

Senator Page of District No. 6 for the joint committee, to whom was referred the return of the votes cast for Governor and Councilors at the last biennial election, reported that they had examined, compared and counted the same, with the following result:

### FOR GOVERNOR

	Blood, r.	Keefe, d.
Rockingham .....	16,863	11,179
Strafford .....	9,301	11,732
Belknap .....	6,017	5,027
Carroll .....	5,489	2,303
Merrimack .....	15,508	12,590
Hillsborough .....	26,559	38,440
Cheshire .....	8,227	6,399
Sullivan .....	5,745	5,038
Grafton .....	11,265	8,277
Coos .....	7,427	8,153
	<hr/> 112,401	<hr/> 109,138

**FOR COUNCILORS****First District**

George D. Roberts, Jefferson, r .....	22,817
J. Alfred Seymour, Carroll, d .....	17,976

Plurality for Roberts .....	4,841
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**Second District**

Ansel N. Sanborn, Wakefield, r .....	23,506
John P. Carberry, Rye, d .....	20,495

Plurality for Sanborn .....	3,011
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**Third District**

Thomas A. Murray, Manchester, d ...	25,612
Walter A. Bailey, Manchester, r .....	16,308

Plurality for Murray .....	9,304
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**Fourth District**

William A. Molloy, Nashua, d .....	22,350
Stanley James, Nashua, r .....	21,207

Plurality for Molloy .....	1,143
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**Fifth District**

Harold G. Fairbanks, Newport, r .....	23,940
John W. Stanley, Concord, d .....	20,955

Plurality for Fairbanks .....	2,985
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The report was accepted.

On motion of Senator Perley of District No. 5.

*Resolved*, That the convention proceed with the election of a Secretary of State, State Treasurer, and Commissary General.

Mr. Wadleigh of Milford placed in nomination for Secretary of State, Enoch D. Fuller.

Senator Moran of District No. 18 placed in nomination for Secretary of State, Thomas Loughlin.

On motion of Mr. Duncan of Jaffrey the clerk was instructed to cast one ballot for Enoch D. Fuller and he was declared elected Secretary of State.

Mr. Wadleigh of Milford placed in nomination for State Treasurer, F. Gordon Kimball.

Mr. Boucher of Somersworth placed in nomination for State Treasurer, C. H. Felker.

On motion of Mr. Duncan of Jaffrey the clerk was instructed to cast one ballot for F. Gordon Kimball and he was declared elected State Treasurer.

Mr. Wadleigh of Milford placed in nomination for Commissary-General, Charles F. Bowen.

Mrs. Mason of Berlin placed in nomination for Commissary-General, George F. Studd.

On motion of Mr. Duncan of Jaffrey the Clerk was instructed to cast one ballot for Charles F. Bowen and he was declared elected Commissary-General.

On motion of Senator Maxham of District No. 9.

*Resolved*, That a committee of five be appointed by the chair to wait upon the Honorable Robert O. Blood and inform him officially of his election as Governor of the State of New Hampshire and that the Senate and House of Representatives are ready to receive any communication from His Excellency at such time as he may desire.

The chairman named as members of such committee Senators Maxham of District No. 9, and Reinhart of District No. 24, Messrs. Atherton of Nashua, Wiggin of Manchester, and Blandin of Bath.

On motion of Senator Leahy of District No. 8.

*Resolved*, That a committee of three be appointed by the chair to wait upon George D. Roberts, Ansel N. Sanborn, Thomas A. Murray, William A. Molloy and



Harold G. Fairbanks, and inform them officially of their election to the Honorable Council.

The chairman named as members of such committee, Senator Leahy of District No. 8, Messrs. Chase of Manchester and Daly of Claremont.

On motion of Senator Geisel of District No. 16, the convention rose.

### House

On motion of Mr. Blandin of Bath, business in order at 3 o'clock, was made in order at the present time.

Messrs. Courchene of Dover, Marshall of Northumberland, Driscoll of Manchester, Fox of Manchester, Slowey of Manchester, Barry of Manchester, and Benoit of Manchester, having qualified before his Excellency the Governor, appeared during the session and took their seats as members of the House.

On motion of Mrs. Morris of Lancaster, at 4:00 o'clock the House adjourned.

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### THURSDAY, JANUARY 2, 1941.

The House met at 11:00 o'clock.

Prayer was offered by Rev. William Weston of Hancock.

### Leaves of Absence

Messrs. Paquette of Nashua and Cryan of Lancaster were granted leaves of absence for the week on account of illness.

Mr. Woodbury of Manchester was granted leave of absence for the day on account of illness.

**Resolutions**

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

On motion of Mr. Hayes of Dover,

*Resolved*, That the Sergeant at Arms of the House be instructed to procure and furnish to each member of the House and officers thereof during the days when the House is actively in session, one daily newspaper, published in the state, each member and officer to choose the paper he desires to have, and indicate the same to the Sergeant at Arms forthwith.

On motion of Mr. Boynton of Hillsborough,

*Resolved*, That a committee of three be appointed by the Speaker to assist the Clerk in procuring, as soon as possible, 2,500 copies of the Legislative manual, 1,000 paper bound and 1,500 in substantially the same form and binding as that of 1939.

On motion of Mr. Gage of Manchester,

*Resolved*, That a committee of ten members, one from each county, be appointed by the Chair to select some suitable person to act as Chaplain during the present session of the Legislature and report such selection to the House for consideration.

The Speaker named as such committee Messrs. Gage of Manchester, Rollins of Alton, Vittum of Tamworth, Nelson of Hopkinton, Bell of Plymouth, Witherill of Cornish, Tarbox of Marlboro, Studley of Rochester, and Miss Spollett of Hampstead, and Mrs. Brungot of Berlin.

On motion of Mr. Wadleigh of Milford,

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:45 o'clock for

the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

On motion of Mrs. Cooper of Nashua,

*Resolved*, That the members of the General Court extend their grateful appreciation of the concert given by the University of New Hampshire band in Representatives' Hall.

On motion of Mr. Blandin of Bath the House recessed until 11:45 o'clock.

### After Recess

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had adopted the following resolution:

*Resolved*, That the Senate will be ready to meet the House of Representatives in joint convention as suggested by the House message, at 11:45 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

### Joint Convention

The Honorable Senate then came in, and the two branches being in convention.

Senator Maxham of District No. 9, for the Joint Committee appointed to wait upon Honorable Robert O. Blood, and inform him officially of his election as Governor of the State of New Hampshire, reported that it had attended to its duty; that the Governor-elect had accepted said office, and would meet the Senate and House of Representatives in convention at the earliest convenient time to take the oath of office, and make such communication as he deems proper.



Senator Leahy of District No. 8, for the Joint Committee appointed to wait upon George H. Roberts, Ansel N. Sanborn, Thomas A. Murray, William A. Molloy and Harold G. Fairbanks, and inform them officially of their election to the Honorable Council, reported that it had attended to its duties, and that the gentlemen named had accepted the office.

The Governor-elect, attended by the Council-elect, then came in, and the Honorable Robert O. Blood, Governor-elect, then took and subscribed to the oath of allegiance before the President of the Senate, and in the presence of both branches of the legislature, whereupon the Honorable William M. Cole, President of the Senate, made proclamation as follows:

Robert O. Blood, having been duly elected Governor of New Hampshire, accepted the office, and taken the oaths prescribed by the Constitution, I do hereby declare and proclaim His Excellency, Robert O. Blood, Governor of the State of New Hampshire, to hold office during the period prescribed by the Constitution and Laws of the State, and I present Your Excellency with a copy of the Constitution of the State as a guide in the discharge of your official duties.

Invocation was offered by the Reverend Andrew Vance McCrachen, pastor of the South Congregational Church of Concord.

His Excellency then read the following message:

MEMBERS OF THE GENERAL COURT:

We are assembled to open formally the 127th Legislature. To many of us it is an occasion of reunion and to others a new experience. May I welcome you all and compliment the Senate and House of Representatives on their selection of leaders, who will, I am sure, greatly aid in making this a most worthy session, both as to its accomplishments and brevity. To expe-

dite the session, I wish to recommend the early introduction of bills, regular attendance, and prompt opening and closing of sessions. It is our duty, above everything else, always to bear in mind that we are the elected representatives of the people, and that government is not the master, but the servant of the people.

In pursuance of the duties of the Governor of New Hampshire, I have the honor to acquaint you with some of the more pressing needs of our State. Fiscal matters are deferred until January 14, 1941, when I shall address this body on the financial condition of our State.

As we assume our tasks, we are confronted with a most disturbing situation, which calls for thorough consideration of the many problems involved. While public attention is fixed upon dramatic events abroad and social reconstruction at home, the state governments, of which we are one, are gradually being forced or enticed to yield more and more powers and prerogatives to the Federal Government. This sometimes subtle, but more frequently frank assumption of functions, makes it imperative that both the Governor and Council and the General Court examine carefully every implication of proffered federal aid.

Naturally, our first consideration is to do everything possible for New Hampshire, but we should not forget that whole-hearted cooperation and support of beneficial federal and interstate movements such as the New England Council and Council of State Governments should have our active support.

### **Grants in Aid.**

During the last few years, federal aid has been offered in relief, health, agriculture, and labor. No one will deny that such aid has been beneficial, that, for instance, in agriculture, it has enabled the farmer

to improve his living conditions, and that it has increased the output of his farm. But on the other side of the picture lie the shifting of the responsibilities of one class to another, the demoralization of community financial responsibility, the elaborate increase in red tape, and the belief of recipients of assistance that the money comes out of some one else's pocket.

The time has arrived when New Hampshire should charge state and local agencies with responsibility for examining and passing upon the propriety of projects which directly affect local communities. Serious consideration should be given to the question of how far New Hampshire should go in the acceptance of federal aid, if she wishes to retain her right of self-government so dearly bought in the Revolutionary War and as a result of which, in part at least, the Federal Government took its existence.

### **Relief and Social Security.**

The question of social security is as pressing as ever, and it is the duty of the State to promote social security. In relief measures care should be exercised to leave a maximum part of the administration in the hands of the local agencies avoiding as far as possible duplication of effort.

In this connection, I recommend that you consider during this session of the Legislature the adequacy of the aid being given to the blind, to dependent children, and to the aged. I urge you to extend unemployment compensation as far as practicable to classes not covered by present laws. I recommend as a fair liberalization, the reduction in the present waiting period required by our law. This can and should be done because at the present moment there is \$6,000,000 in the fund in New Hampshire.

Old age benefits in order to be adequate must take care of a larger number of our deserving citizens, and



therefore merit your careful consideration. You must keep constantly in mind that every benefit, be it old-age, unemployment compensation, or relief, must be placed on a "pay-as-you-go basis" in order to survive.

I recommend that provision be made to safeguard all rights gained under the Social Security System by those who are called upon to leave private employment to serve our Country. Such patriotism and loyalty call for rewards, not penalties.

### **Labor.**

In the field of labor legislation, where New Hampshire has distinguished herself through her liberal policies, the laws covering employment compensation, minimum wages, and workmen's compensation should be continued. Labor is entitled to a fair and efficient administration of these laws and support should be given to further sound liberal legislation. The right of labor to bargain collectively, without coercion, through representatives of its own choosing should be self evident.

We should give serious consideration to the provision of more adequate protection of our workmen against occupational diseases which recent investigations have disclosed to be a serious hazard in certain industries.

We often forget that labor can be further benefited by the expansion of New Hampshire industries, first, by the development of those industries now within the State, and second, by bringing new industries into the State.

### **Industry and Vocational Training.**

An intensification of the program to preserve New Hampshire industries by their diversification and by encouraging them to remain in the State under as favorable conditions as possible is essential to our economic well-being. Our industries are the backbone of our economic life. Fortunately, they are diversified,

producing over a thousand different products and the large majority are small enterprises, employing less than one hundred persons. During recent years, some of the major industries in our State have been forced to close because of hard times, dwindling earnings, and the competition of infant industries in other sections of our Country. Every aid possible should be given to industries to locate in the smaller communities and at the same time to fill the space of vacant factories. How far this can be done by legislation is a debatable matter, but since you are the law-making body of New Hampshire it merits your attention.

The time is ripe for considering the expansion of industrial research at the University of New Hampshire, and perhaps for the promotion of a representative research council for the formulation of policies governing the whole program of state aid to industry.

Certain needs exist in our job-training and vocational programs. Some progress has already been made, but further development is imperative in the field of vocational instruction and guidance with proper emphasis upon practical training both before and during useful employment. Since the day of technical skill and mechanical knowledge is upon us, it behooves us to prepare thoroughly as many of our youth and unemployed as possible to take positions of responsibility and of productive value in our industrial future. The importance of the trades and crafts in our society cannot be over-emphasized, and every feasible step should be taken to further the proper training of young people who possess the needed capabilities. In such a development the State Board of Education, the University of New Hampshire, and the demand of industry should be heard before final action is taken.

#### **Agriculture.**

Agriculture being the largest single industry in this State, it is significant to notice that most of the prod-

ucts raised are consumed within the boundaries of New Hampshire. Therefore, the tightening of foreign export markets has not had any appreciably serious effects upon our agriculture.

My recommendations in this field are chiefly to advise continued support of programs already in operation with the thought that aid to agriculture should be of a practical nature, recognizing that the social, economic, and educational opportunities of rural families should be equal to those existing in cities. By continued support of disease eradication in live stock and poultry, particularly for the control of Bangs disease in cattle and Pullorum in poultry, the quality and quantity of livestock will be improved, thus adding to the well being of the farmer and of the State as a whole.

Further support of the Extension Service of the University of New Hampshire and of the Department of Agriculture in both advisory and experimental capacities in an effort to bring to the farmer the best scientific advice can have only beneficial results. All funds expended in this direction will be real economy in the long run. And in this connection the efforts of the farmers to develop individually or cooperatively essential and efficient services for themselves, as for instance in purchasing, electrification, and marketing, should enlist your support and encouragement. This is especially true of the farmers' marketing of their products at a fair price both within and without the State of New Hampshire.

In this same connection New Hampshire is but one part of New England and the United States. We must all constantly keep in mind that there are tasks which we cannot accomplish alone. When such problems and tasks arise, we should be as cooperative and helpful as possible. We should work steadily towards the standardization of health laws governing inter-state



shipment of cattle for dairy and breeding purposes, especially in New England.

Uniformity of health requirements would alleviate many complex problems now involved in shipping cattle among the several states. We must always remember that the defense program of our Country may make new demands upon New Hampshire agriculture as well as upon her industry. The adequate meeting of such challenge can result only from whole-hearted cooperation between the State and the farmer.

#### **Recreation—Fish and Game.**

It is estimated that \$75,000,000 is spent annually by people who take advantage of the recreational facilities of our seacoast, mountain, and lake areas. These figures establish recreational activities as the second largest industry in the State giving employment to approximately 10,000 proprietors and wage earners. There has been a steady increase in this business over the past few years until it has come to affect directly or indirectly the lives of most of the inhabitants of this State.

Foremost among the recreational resources of New Hampshire are the varied opportunities for fishing and hunting afforded by our extensive woods, lakes, and streams. These resources must be conserved and increased by a well balanced program of fish-stocking and wild-life conservation financed by the State. If the funds collected from hunters and fishermen in the form of license fees prove to be inadequate to carry out such a program, they should be supplemented by an appropriation out of State funds raised otherwise. Efficiency and sound government require that the making of decisions covering fishing regulations be transferred from the Legislature to the Fish and Game Commission.

### **Highways, Motor Vehicle Laws.**

Much of the success of the recreation industry as well as that of the marketing of farm products depends on good roads. They are essential to New Hampshire life. We can be proud of our highway system, its programming, and its efficiency, which include such essentials as rapid and effective snow clearance.

The program of the past few years should be continued with special attention to the beautification of the roadsides. The elimination of eye-sores will have both a pleasurable and a financial value. But these should be details in a carefully co-ordinated and well-balanced all-state program giving each road and highway its relative and proper attention, improving rural roads for profitable marketing, as well as maintaining state and trunk lines.

Another phase of the highway and recreation programs is motor traffic. A few years ago the Legislature enacted a Financial Responsibility Act, which has since become the model for similar laws in other states. But as is the case with most social laws, it dealt with a developing field and today the Financial Responsibility Act is in need of clarifying amendments in order to effect its purpose.

### **Law Enforcement.**

The efficient and excellent work of the State Police should be noted here. The fine calibre and training of the men as well as of the administration should be recognized and further encouraged. Service training for state and local police might be considered.

Recent legislatures have been asked to add to the personnel of the Attorney General's office. I believe that additional assistance in this office could best be secured by changing the law sufficiently to make the Attorney General a full time state official with a fair salary.

### **Primary.**

It has been thirty-two years since a system of political nomination by direct primary was introduced in New Hampshire and its results have been satisfactory on the whole. Nevertheless, experience in recent years has shown that after this lapse of time it may be desirable to re-examine the Primary Law, and I commend a study of it.

### **Planning and Development.**

Having now presented to you some of the more important needs in industry, labor, agriculture, highways, and other activities in our state life, permit me to call your attention to the Planning and Development Commission. This excellent body should be encouraged and continued. It should serve as an agency with a comprehensive view permitting it to counsel and advise on needed developments and expansions, not only for the present but with a long range program in view.

The Division charged with state publicity was originally created as a separate bureau by the Legislature of 1925. This bureau has spread a knowledge of New Hampshire's agricultural, industrial, and recreational resources and advantages far and wide through newspaper and magazine advertisements and many other mediums of publicity. The results of fifteen years of state publicity have been and are now apparent in the constantly growing summer and winter recreation business and in the increasing number of visitors, many of whom have bought and improved property for residential, industrial, and agricultural use. Fifteen years ago New Hampshire was one of a few pioneers in state publicity. Today New Hampshire is successfully using state publicity to increase the income and economic welfare of its citizens in the face



of competition with the publicity of every other state in the Union save one.

The Legislature should make it possible for the Planning and Development Commission to be programming, promotional, and co-ordinating for State resources and functions. It should also remove it as far as possible from promoting legislation and engaging in politics.

### **Education.**

It is often stressed that the survival and the well-being of a democracy depend upon an enlightened electorate. To this end New Hampshire has established and maintains an educational system of which it may well be proud. The high standards of our schools must be maintained and our educational program adapted to changing times.

The system should be co-ordinated from the most elementary beginning to the last step in higher education. The State Department of Education and the University of New Hampshire are integral parts of a total program which should be more closely knit together. Such a program should exercise great care so that the training is allocated.

The time is ripe for the establishment of a trade school in New Hampshire. Such a school might be set up as a separate enterprise, but perhaps more profitably as a co-ordinated part of a total system using such facilities as are already available.

### **Research.**

It is proper for me here to call to the attention of the Legislature in its quest for information when preparing legislation, the legislative reference service at the State Library, the Bureau of Government Research at the University of New Hampshire, and the studies of the Planning and Development Commission and of the State Tax Commission. No member of the Gen-

eral Court can hope personally to gather all the information necessary on all bills, but he can easily learn the situation in the State and what other states have done by consulting these agencies, especially the State Library and the Bureau of Government Research. The former is located in Concord and immediately available. It has been set up by the State for the specific purpose of aiding the legislators.

Without any specific recommendation, permit me to call to your attention a practice which is having beneficial results in some other states. An interim commission is appointed by both houses from their members to examine such problems of the state as require legislative attention. This commission sits between sessions of the legislature, working closely with the research agencies and legislative service. When the legislature meets, the information is at hand along with recommendations for specific legislation with bills already drawn up through the aid of the attorney-general's office.

The state of New Hampshire contributes substantially each year to the support of several research agencies, which now are performing excellent services. Their work has steadily expanded to such an extent that a co-ordinating agency to act as a clearing house is desirable. While it would be unwise to give such an agency the power to assign tasks and investigations, requests might be sent directly to them and reports filed with them for the use of state officials.

### **Public Works.**

For the improvement of public construction a building code governing all construction should be adopted by the State. Such legislation should assure minimum standards of construction. It should constitute a part of a long range co-ordinated program of public construction so planned that heavy expenditures in any one year would be avoided.

### **Merit System.**

Improvement in the services rendered to the state by its employees and a more sympathetic appreciation of their work can be achieved by a carefully worked out merit system co-ordinated with an enlightened retirement system. I recommend the passage of merit system legislation during the present session and a study of the feasibility of establishing a retirement plan for our state employees.

In the interests of complete state freedom, I believe that this system should be financed entirely by the State. The administration of the program should be placed in the hands of a board and a director. Once adopted, such a program may be initiated profitably, first, by analyzing the state's needs; second, by classifying the positions in the state service, and finally, by applying qualifying and competitive tests. Employees now in the state service should be given special consideration. Regardless of the system adopted the law should be flexible so that it is possible to dismiss an employee for inability, negligence, or due cause.

Once the merit system has been set into operation it may be wise to combine the federal and the state systems, reaching an agreement with the Federal Government covering its share in the joint program.

### **Liquor Control.**

Our state liquor control system has been demonstrated to be an effective method of regulating the sale of intoxicating liquors. It should be continued and enforced strictly, economically, honestly, and efficiently.

### **Domestic Relations.**

I commend to you the possibility of bringing under the jurisdiction of one court the closely related sub-



jects of divorce, separation, custody of children, adoption, guardianship, and juvenile delinquency.

### **National Defense.**

The question of national defense has been saved to the last for the sake of emphasis. The developing situation will dictate what is necessary and we must wait upon the Federal Government for the lead. We stand in a grave moment of the history of mankind when union, cooperation, loyalty, and duty to Country are the touchstones of survival. The State of New Hampshire must be unwaveringly diligent, ready to seize each opportunity to cooperate with the Federal Government and her sister states in common defense. Let no man nor foreign ideology split us asunder. Let us beware of hysteria lest we commit acts which we shall regret when the heat of the moment of passion has passed. But let us be swift to recognize our enemy and deal promptly with him.

### **Conclusion.**

It has been an honor to lay before you this program. My experience in these legislative halls has taught me that they are filled with servants with high standards of intelligence, conscientiousness, and integrity.

In the two years which lie ahead, you, as the Legislature, and I, as the Governor, will have serious problems to face. I shall do everything in my power to cooperate with you. Our democracy has always worked in the past, and we must continue to make it work, and pass it on intact to coming generations. As loyal citizens of New Hampshire let us go forward and we will succeed in keeping this great trust.

Benediction was offered by the Reverend William Weston of Hancock.

On motion of Senator Geisel of District No. 16, the convention rose.

### House

On motion of Mr. Daniels of Manchester, Ward 1.

*Resolved*, That the Senate and House of Representatives in convention assembled this second day of January, 1941, has listened with gratification to the message of Governor Robert O. Blood and hereby express to him the high esteem in which we hold him and his conduct of his office.

On motion of Mr. Chase of Manchester.

*Resolved*, That the Committee on Rules, with such members as the Senate may join, be a committee on joint rules of the House of Representatives and the Senate.

On motion of Mr. St. Francois of Nashua.

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies of the address of his Excellency, the Governor.

### Committee Appointed

The Speaker announced the following committee appointment, Committee on assignment of committee hearing rooms: Messrs. Daniels of Manchester, Ward 1, Boynton of Hillsborough and Osborne of Sunapee.

Mr. Betley of Manchester, having qualified before His Excellency the Governor, appeared during the session and took his seat as a member of the House.

On motion of Miss Hanson of Gilsum at 12.40 o'clock the House adjourned.

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SATURDAY, JANUARY 4, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, January 4, 1941.

Mr. George H. Nash,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

On motion of Mr. Parkhurst of Columbia, the House adjourned.

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TUESDAY, JANUARY 7, 1941.

The House met according to adjournment.

Prayer was offered by Rev. William Weston of Hancock.

#### Leaves of Absence

Mr. Tarlson of Laconia was granted leave of absence for the day on account of important business.

Mr. Foote of Seabrook was granted leave of absence for the day on account of illness.

Mr. Dulac of Manchester was granted leave of absence for Wednesday on account of court duty.

Mr. Jewell of Wolfeboro was granted leave of absence for the week on account of important business.

Messrs. Paquette of Nashua and Goodrich of Chester were granted leave of absence for the week on account of illness.

#### Petition Presented and Referred

By Mr. Hunter of Hanover, petition of George C. Warner praying for a seat in the House.



Read a first and second time, and referred to the Committee on Elections.

### **Bills Introduced**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows.

By Mr. Lesmerises of Manchester, House Bill No. 1, An act relating to the Finance Commission of Manchester. To the Committee on Judiciary.

By Mr. Wyman of Candia, House Bill No. 2, An act authorizing the town of Candia to issue refunding notes or bonds. To the Committee on Judiciary.

By Mr. Foote of Portsmouth, House Bill No. 3, An act authorizing the city of Portsmouth to provide pensions for certain employees of the public schools. To the Committee on Judiciary.

By Mr. Brown of Gilmanton, House Bill No. 4, An act legalizing the 1940 biennial election in the town of Gilmanton. To the Committee on Revision of the Statutes.

By Mr. Dupont of Pembroke, House Bill No. 5, An act relating to Workmen's Compensation. To the Committee on Revision of the Statutes.

By Mr. Dupont of Pembroke, House Bill No. 6, An act relating to Workmen's Compensation waiting period. To the Committee on Revision of the Statutes.

By Mr. Dugan of Wilton, House Bill No. 7, An act legalizing the November 1940 election in the town of Wilton. To the Committee on Revision of the Statutes.

### **Order Vacated**

On motion of Mr. Dugan of Wilton the order whereby House Bill No. 7, An act legalizing the November 1940 election in the town of Wilton was referred to the Committee on Revision of the Statutes was vacated.

On motion of the same gentleman the rules were further suspended, the printing of the bill, and its reference to a committee dispensed with and the bill ordered to a third reading. On motion of the same gentleman the rules were further suspended and the bill read a third time by its title, passed and sent to the Senate for concurrence.

### Resolution

On motion of Mr. Daniels of Manchester, Ward 1,  
*Resolved*, That the rules of the previous session of the House be the rules of this session with the following changes: That the Committee on Liquor Laws consist of nineteen members.

### Appointment of Attaches

The Speaker appointed the following attaches:

Warden of the Coat Room: Oney Z. Russell of Claremont.

Assistant Warden of the Coat Room: Lawrence B. Holt of Laconia.

Custodian of the Mails and Supplies: Harold Fournier of Concord.

Library Messenger: Herbert M. Thyng of Barnstead.

Telephone Messenger: Forest G. Knowles of North Hampton.

Pages of the House: Edwin L. Bray of Whitefield, Richard G. Kimball of Salem, Herbert McCoy of Loudon, Carl Adams of Lebanon, Alton Oleson of Berlin.

Speaker's Page: Frederick H. Dewey of Grasmere.

### Tellers Appointed

The Speaker appointed the following tellers:

Division 1: Mr. Perkins of Pittsfield.

Division 2: Mr. Condon of Newport.

Division 3: Mr. Callahan of Keene.

Division 4: Mr. Neal of Meredith.

Division 5: Mr. Noyes of Bethlehem.

The Clerk announces the appointment of the House stenographers as follows: Alice V. Flanders of Henniker, Marion C. Colby of Warner, and Frances C. Barnard of Concord.

The following letter was read by the Speaker:

January 2, 1941.

TO THE SPEAKER OF THE HOUSE,

*Dear Mr. Speaker:*

The Concord Police Commissioners are well aware of the parking problem in our city and how it will affect the members of the Legislature, and we have decided to use the same method this year as the one adopted when the last Legislature was in session, namely:

We shall issue a windshield sticker to those members of the Legislature living outside the city of Concord who use their personal cars on official legislative business. Cars bearing such stickers will be exempted from parking time restrictions on the days when the Legislature holds its three principal working sessions (Tuesdays, Wednesdays and Thursdays). These stickers will be issued to the members through the office of State Motor Vehicle Commissioner John F. Griffin, where they can be had upon application.

We would call the attention of the members to the fact that there are no parking restrictions on the streets west of State Street, except as specially marked or at fire hydrants, or on Center Street, one block north of the State House. The commissioners hope that the members who can conveniently do so will use these unrestricted areas as much as possible in order to avoid congestion near the State House.

We hope that this plan will work to the advantage of members of the Legislature and that cooperation in its operation will permit us to continue it.



The commissioners request that this letter be read to the members at your first opportunity and that it be entered on your records.

City of Concord Police Commission,  
CHARLES L. JACKMAN,  
*Chairman,*

GUY A. SWENSON,  
DANIEL J. SHEA.

On motion of Mr. Chase of Manchester the Clerk was instructed to write a letter of appreciation to the Police Commission of Concord in regard to their courtesy to members of the Legislature.

### Resolutions

Mr. Boynton of Hillsboro offered the following resolution:

*Whereas*, the Interstate Assembly has been called by the Council of State Governments and the American Legislators' Association, to be held on Tuesday, Wednesday and Thursday, January 21 to 23, 1941, inclusive, at the Mayflower Hotel, Washington, D. C., to consider federal and state tax policies on the basis of the recommendations submitted by the Interstate Commission on Conflicting Taxation, which was established four years ago by the First Assembly; and

*Whereas*, it is apparent that substantial benefits would result from closer contacts between the Legislative and Administrative Divisions of the various state governments, and that many governmental difficulties are aggravated by the absence of adequate facilities for conference between these bodies; and

*Whereas*, the present economic emergency creates an imperative necessity now emphasized by the President's program of economic security for joint council and concerted action; and

*Whereas*, it is believed that the moment has now arrived for establishing adequate means for communication and conference between the states and the federal government; and

*Whereas*, the Senate of this state is invited to send as its delegates to this conference a delegation of its members, to be chosen in such manner as this body may determine; therefore

*Be it Resolved*, That the Senate of the State of New Hampshire hereby authorizes and instructs the President to appoint two members in addition to himself as a delegation to the Interstate Assembly, which convenes in Washington, D. C., on January 21 to 23, 1941. Such delegation shall be without power to commit the Senate to action; and

*Be it Further Resolved*, That the said delegation shall be entitled to reasonable reimbursement for its reasonable expenses upon presentation of the proper statement of such expenses; and

*Be it Further Resolved*, That the Clerk of the Senate immediately advise the corresponding secretary of the conference in care of the American Legislators' Association, Drexel Avenue and Fifty-eighth Street, Chicago, Illinois, of the appointment of such delegation.

The Speaker appointed as members on such committee on the part of the House:

The Speaker, Foote of Portsmouth, Smart of Ossipee, Sawyer of Woodstock and Duncan of Jaffrey.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Emerson of Dalton,

*Resolved*, That the salary of the members of the House of Representatives be so divided that any member may receive one quarter ( $\frac{1}{4}$ ) of his or her salary

monthly, for the first three months, the balance to be paid at the adjournment of the session, and

*Be it Further Resolved*, That the mileage of the members of the House be paid every four weeks during the session.

On motion of Mr. Wiggin of Manchester,

*Resolved*, That the drawing of seats be made an order at 1 o'clock today.

The following letter was read by the Speaker :

JANUARY 6, 1941.

HONORABLE CHARLES A. BARNARD,

*Speaker of the House of Representatives,*  
Concord, New Hampshire.

*My dear Charles :*

In the year 1931, the New Hampshire State Highway Department rebuilt a section of the Daniel Webster Highway at Thornton's Ferry, New Hampshire, opposite the Matthew Thornton Monument.

In connection with this reconstruction it became necessary to remove one of the ancient elm trees which were planted by Matthew Thornton, who with Josiah Bartlett signed the Declaration of Independence as the New Hampshire delegates.

The gavel which accompanies this note is made from the trunk of the elm which Matthew Thornton planted.

We would be pleased if you would use this gavel while you preside over the deliberations of the House of Representatives.

Yours truly,

F. E. EVERETT.

*Commissioner.*

### Order Vacated

On motion of Mr. Wiggin of Manchester the order was vacated whereby the House voted to draw seats



at 1 o'clock today, and the drawing of seats was made in order at the present time.

The Speaker declared the House in recess.

### **After Recess**

### **Committee Report**

Mr. Daniels of Manchester, Ward 1, for the Committee on Assignment of Rooms, submitted the following report:

### **Room Assignments**

Agriculture, Room 208, W-Annex.  
Appropriations, Room 318, State House.  
Banks, Room 301, State House.  
Claims, Elks Home.  
Coastwise Improvements, Room 100, State House.  
Co-ordinating Committee, Room 100, Annex.  
Education, Room 410, Annex.  
Elections, Room 317, State House.  
Engrossed Bills, Room 204, State House.  
Fisheries and Game, Room 207, Annex.  
Forestry and Recreation, Room 401, Annex.  
Incorporations, Room 301, State House.  
Industrial School, Room 100, State House.  
Insurance, Chamber of Commerce.  
Judiciary, Room 308, State House.  
Labor, Room 100, State House.  
Laconia State School, Room 100, State House.  
Liquor Laws, Office of Liquor Commission.  
Mileage, Room 317, State House.  
Military Affairs, Room 102, State House.  
National Affairs, Room 102, State House.  
N. H. Teachers Colleges, Room 410, Annex.  
Public Health, Room 305, Annex.  
Public Improvements, Room 305, Annex.  
Revision of the Statutes, Room 317, State House.  
Soldiers' Home, Room 401, Annex.

State Hospital, Room 100, State House.  
State Prison, Room 208, W-Annex.  
Towns and Counties, Chamber of Commerce.  
Transportations, Elks' Home.  
University of New Hampshire, Room 410, Annex.  
Ways and Means, Room 120, Annex.  
Rules, Room 115, State House.  
State House, Room 100, Annex.  
State Library, State Library.  
Speaker, Room 203, State House.

JOEL S. DANIELS,  
GEO. W. BOYNTON,  
LEO L. OSBORNE,

*Committee on Assignment of Rooms.*

Mr. Duncan of Jaffrey offered the following resolution:

*Resolved*, That the following members be permitted to choose seats in advance of the drawing;

1. The Chairmen of the following committees:  
Agriculture, Appropriations, Banks, Insurance, Judiciary; Revision of the Statutes, Ways and Means, Liquor Laws, Public Improvements, Labor, Fish and Game;
2. Former Speakers of the House of Representatives.
3. Those members who have served in the legislature five terms or more.
4. One teller for each division.
5. Those members having physical disability, who file application with the Clerk in writing, stating the grounds of disability.

The question being on the resolution.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Matson of Concord spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed the following Standing Committees:

### Standing Committees

*Agriculture*—Pulsifer of Campton, Wiggin of Bedford, Dean of Haverhill, Bailey of Lyme, Kenney of Loudon, Morgan of Bow, Bunten of Concord 7, Jewell of Stratham, Mark of Plainfield, Day of Piermont, Blake of Swanzey, Spollett of Hampstead, Cushman of Orford, Barton of Lempster, Moore of Bradford, Bartlett of Lee, Marshall of Northumberland, Cram of Unity, Oakes of Landaff, Woodman of Sanbornton, Hale of Rochester 3.

*Appropriations*—Daniels of Manchester 1, Boynton of Hillsboro, Hunter of Hanover, Bell of Plymouth, Hayes of Dover 1, Nelson of Hopkinton, Tilton of Laconia 3, Smart of Durham, Pennell of Exeter, Studley of Rochester 5, Swift of New London, Weeks of Colebrook, Smart of Ossipee, Hale of Rindge, Potter of Concord 4, Osborne of Sunapee, Condon of Newport, Sawyer of Woodstock, Booth of Manchester 6, Duffy of Keene 5, Boucher of Somersworth 3.

*Banks*—Atherton of Nashua 1, Tilton of Concord 6, Robertson of Hinsdale, Dugan of Wilton, Hilton of Keene, Lievens of Hollis, Hopkins of Laconia 6, Hamlin of Charlestown, Abbott of Hudson, Wakefield of Goffstown, Carter of Merrimack, Edwards of Bennington, Knowlton of Manchester 1, Mason of Berlin 1, Clark of Harrisville, Fecteau of Epping, Charois of Greenville, Seymour of Carroll, Whittier of Franklin 3.

*Claims*—Brown of Goffstown, Sanborn of Chichester, Nesmith of Londonderry, Lucas of Dover 4, Morrison of Derry, Bailey of Lyme, Blount of Littleton,



Emerson of Rochester 2, Brigham of Goshen, Schlegel of Portsmouth 4, Dondero of Portsmouth 1, Spaulding of Nashua 4, Pickett of Keene 5, Grandmaison of Nashua 8, Stewart of Manchester 10, Beland of Claremont, Adams of Manchester 9.

*Coastwise Improvements*—Tucker of Rye, Batchelor of Keene 1, Longley of Milton, Redden of Portsmouth 2, Merrill of Hampton, Knowlton of Manchester 1, Gay of Hillsboro, Whitcomb of Littleton, Burkhardt of Portsmouth 5, Sanborn of Enfield, Hartford of Dover 3, Ramsey of Berlin 3, Kane of Portsmouth 5, Grady of Manchester 11, Nadeau of Somersworth 4, Shaheen of Dover 2, Sweeney of Nashua 7, Foote of Seabrook, Coleman of Newington.

*Co-ordinating Committee*—Hunter of Hanover, Wadleigh of Milford, Foote of Portsmouth 2, Rollins of Alton, Studley of Rochester 5, Simpson of Bartlett, Swift of New London, Duncan of Jaffrey, Osborne of Sunapee, Hutchins of Stratford.

*Education*—Witherill of Cornish, Winslow of Chesterfield, Hanson of Gilsum, Mason of Keene 3, Gage of Manchester 2, Woodbury of Nashua 1, Bourn of Exeter, Jewett of Milford, Barney of Rumney, Rounds of Hill, Collins of Littleton, St. Francois of Nashua 6, Hebert of Somersworth 4, Conway of Manchester 11, Bartlett of Goffstown, Rogers of Tilton, Durette of Manchester 12, Bailey of Newport, Hamilton of Claremont.

*Elections*—Peaslee of Weare, Cryan of Lancaster, Woodbury of Nashua 1, Ingham of Winchester, Bills of Amherst, Maxfield of Franklin 1, Hopkins of Laconia 6, Sayers of Keene 4, Cryan of Haverhill, Lemieux of Berlin 2, Gorham of Manchester 7, Clark of Francestown, Habel of Somersworth 2, Carter of

Boscawen, Fraser of Gorham, Brown of Ashland, Roy of Manchester 8.

*Engrossed Bills*—Matson of Concord 7, Sawyer of Woodstock.

*Fisheries and Game*—Nelson of Winchester, Shedd of New Boston, Haley of Holderness, Thompson of New Ipswich, Fogg of Milan, Kimball of Jefferson, Knox of Sandwich, Morse of Warren, Parkhurst of Columbia, Fernald of Rochester 6, Hill of Conway, Johnson of Monroe, Baldwin of Pittsburg, Webster of Farmington, Cotton of Barnstead, Fuller of Colebrook, Philbrick of Springfield, Frain of Manchester 3, Burby of Lebanon, O'Neil of Manchester 4, Ashe of Northumberland, Barrows of Claremont, Velishka of Nashua 5.

*Forestry and Recreation*—Collins of Lisbon, Cloues of Warner, Lord of Gilford, Stuart of Wilmot, Hodge of Franconia, Wheeler of Swanzey, Collins of Littleton, Bigelow of Pelham, Lake of Brentwood, Higley of Acworth, Rollins of Alexandria, Dupont of Pembroke, Jean of Manchester 7, Morrill of Hudson, Murphy of Claremont, Phelps of Andover, Ackroyd of Dover 4.

*Incorporations*—Vittum of Tamworth, Barron of Salem, Rivers of Laconia 5, Reynolds of Greenfield, Gray of Portsmouth 2, Lucas of Dover 4, Philbrick of Belmont, Higley of Acworth, Parkhurst of Columbia, Ewing of Laconia 6, Guilbeault of Allenstown, Connolly of Manchester 6, Gile of Lebanon, Healy of Manchester 5, Courchene of Dover 2, Kean of Manchester 4, Huard of Manchester 12.

*Industrial School*—Shedd of New Boston, Milburn of Dunbarton, Berry of Strafford, Gay of Hillsboro, Woodbury of Manchester 2, Jewell of Wolfeboro, Tarlson of Laconia 1, Roucher of Laconia 4, Philbrick of Belmont, Ford of Danbury, Smith of Berlin 1, Carroll

of Manchester 11, Trombley of Nashua 3, Lemire of Franklin 2, Thibodeau of Manchester 13, Sullivan of Manchester 3, Clancy of Manchester 6.

*Insurance*—Noyes of Bethlehem, Chase of Manchester 1, Emerson of Dalton, Gile of Hanover, Gleason of Hancock, Currier of Danville, Clinton of Concord 6, Hobbs of North Hampton, Davis of Concord 2, Merrill of Hampton, Cilley of Exeter, Lafond of Hooksett, Creighton of Manchester 5, Gaffney of Claremont, Roukey of Manchester 11, Bilodeau of Nashua 5, Kelley of Lebanon.

*Interstate Co-operation*—The Speaker, Foote of Portsmouth 2, Smart of Ossipee, Sawyer of Woodstock, Duncan of Jaffrey.

*Judiciary*—Wiggin of Manchester 1, Tilton of Laconia 4, Wadleigh of Milford, Bass of Peterboro, Grinnell of Derry, Upton of Concord 7, Simpson of Bartlett, Holden of Hanover, Cooper of Nashua 1, Brennan of Westmoreland, Morris of Lancaster, Mills of Jaffrey, Wyman of Candia, Hamilton of Lisbon, Banfield of Moultonboro, Blandin of Bath, Duncan of Jaffrey, Pridham of New Castle, Perkins of Pittsfield, Hutchins of Stratford, Wilcox of Nashua 8.

*Labor*—Adams of Lincoln, Keenan of Dover 1, Gage of Manchester 2, Freese of Pittsfield, Christiansen of Berlin 3, Bourn of Exeter, Grindle of Conway, Ellison of Milford, Goodale of Exeter, Edwards of Bennington, Maxwell of Henniker, St. Francois of Nashua 6, Douphinett of Franklin 3, Barrett of Portsmouth 1, Donnelly of Manchester 8, Veroneau of Concord 1, Grimes of Troy.

*Laconia State School*—Neal of Meredith, Brown of Goffstown, Rollins of Alton, Lord of Gilford, Maxfield of Franklin 1, Sanborn of Chichester, Carr of Northfield, Mock of Webster, Stowe of Auburn, Merrill of



Laconia 5, Boisvert of Pembroke, Beaudoin of Rochester 4, Shea of Manchester 3, Paquette of Nashua 6, Laird of Canterbury, Plourde of Nashua 5, Coffin of Somersworth 5.

*Liquor Laws*—Foote of Portsmouth, Lichman of Keene 4, Yeaton of Portsmouth 2, Barron of Salem, Robbins of Thornton, Connor of Sutton, Clinton of Concord 6, Holmes of Raymond, Pierce of Walpole, Leighton of Dover 4, Kempton of Newport, Getz of Manchester 10, Sweeney of Nashua 2, Bixby of Berlin 4, Sullivan of Concord 9, Cronin of Dover 2, Potvin of Rochester 4.

*Mileage*—Emerson of Dalton, Bills of Amherst, Lord of Gilford, Carter of Merrimack, Stuart of Wilmot, Brunel of Concord 7, Lombard of Keene 2, Valia of Grafton, Patridge of Newfields, Weeks of Stewartstown, Hinchey of Berlin 1, Canty of Portsmouth 3, Dulac of Manchester 5, Betters of Nashua 7, Aubin of Manchester 12, Mercier of Claremont, McNeil of Portsmouth 3.

*Military Affairs*—Prescott of Newton, Chase of Manchester 1, Callahan of Keene 1, Woodbury of Manchester 2, O'Shan of Laconia 1, Blanchard of Farmington, Smith of New Durham, Ellison of Milford, Hayes of Tuftonboro, Henry of Concord 3, St. Francois of Nashua 6, Egan of Manchester 9, Rousseau of Newmarket, Landry of Nashua 2, Lacroix of Manchester 5, Rousseau of Manchester 12, LeBlanc of Nashua 8.

*National Affairs*—Tilton of Concord 6, Clark of Canaan, Foote of Portsmouth 2, Keay of Kingston, Davis of Nashua 1, Brigham of Goshen, Blount of Littleton, Baldwin of Pittsburg, Hobbs of North Hampton, Collette of Berlin 1, Dowd of Manchester 3, Riel of Franklin 2, Daniel of Manchester 13, Doucette of Wal-

pole, Chevrette of Manchester 8, Hayes of Berlin 4, Tessier of Manchester 7.

*Normal Schools*—Brungot of Berlin 3, Callahan of Keene 1, Bailey of Lyme, Dean of Haverhill, Mason of Keene 3, Rounds of Hill, Rivers of Laconia 5, Frissell of Keene 2, Hanson of Gilsum, Davison of Haverhill, O'Brien of Manchester 5, DuDevoir of Hooksett, Gilmartin of Manchester 10, Lazure of Berlin 2, Turgeon of Manchester 13, Decker of Claremont, Barry of Manchester 3.

*Public Health*—Winslow of Chesterfield, Coolidge of Bristol, Nash of Concord 5, Hodge of Franconia, Peever of Salem, Jewell of Wolfeboro, Collins of Lisbon, Woodbury of Nashua 1, Downing of Littleton, Otis of Concord 4, Kennard of Dover 3, Connor of Sutton, Maley of Newport, Kittredge of Portsmouth 1, Dugas of Berlin 4, Brennan of Dover 5, Dondero of Portsmouth 1, Gagnon of Berlin 4, Delorier of Claremont.

*Public Improvements*—Palmer of Plaistow, Berry of Strafford, Vittum of Tamworth, Miller of Fitzwilliam, Ingham of Winchester, Goodrich of Chester, Wiggin of Bedford, Witherill of Cornish, Blanchard of Farmington, Carr of Northfield, Thibodeau of Wolfeboro, Jewett of Milford, Pynn of Meredith, Taylor of Whitefield, Bunker of Epsom, Sanborn of Nottingham, Fogg of Deerfield, Brown of Gilmanton, Evans of Kensington, Goulet of Nashua 3, Evans of Berlin 2, Farwell of Brookline, Nadeau of Rochester 1.

*Revision of the Statutes*—Osborne of Concord 6, Peaslee of Weare, Matson of Concord 7, Myhaver of Peterboro, Palmer of Plaistow, Sturtevant of Concord 6, Carter of Manchester 2, Clark of Canaan, Wiggin of Conway, Pulsifer of Campton, Brungot of Berlin 3, Aldrich of Keene 1, Tuttle of Atkinson, Johnson of Northwood, Young of Wakefield, Robbins of Thornton,

Cormier of Nashua 8, Moffett of Berlin 1, Guay of Laconia 2, Betley of Manchester 5, Fecteau of Epping, Maley of Newport, O'Connell of Manchester 6.

*Soldiers' Home*—Nesmith of Londonderry, Prescott of Newton, O'Shan of Laconia 1, Atherton of Nashua 1, Keenan of Dover 1, Burkhardt of Portsmouth 5, Thomas of Dublin, Freese of Pittsfield, Hayes of Tuf-tonboro, Schlegel of Portsmouth 4, Constant of Manchester 8, Goyette of Nashua 7, Bresnahan of Manchester 3, Shea of Nashua 6, Guay of Lebanon, Turcotte of Manchester 7.

*State Hospital*—Moore of Alstead, Brunel of Concord 7, Dugan of Wilton, Lichman of Keene 4, Coolidge of Bristol, Berthiaume of Derry, Comi of Concord 9, Downing of Littleton, Ewing of Laconia 6, Hamlin of Charlestown, Labranche of Newmarket, Huntress of Freedom, Delisle of Manchester 8, Bouthillier of Nashua 9, Mayo of Concord 8, Prince of Manchester 12, Duval of Manchester 13.

*State Prison*—Nash of Concord 5, Gray of Portsmouth 2, Longley of Milton, Dean of Haverhill, Stowe of Auburn, Foote of Portsmouth 2, Ford of Danbury, Mock of Webster, Bartlett of Lee, Redden of Portsmouth 2, Driscoll of Manchester 9, Jackson of Dover 1, Jette of Lebanon, Lesmerises of Manchester 13, Slowey of Manchester 6, Sullivan of Nashua 4, Mahoney of Manchester 5.

*Towns and Counties*—Corson of Derry, Fogg of Milan, Miller of Fitzwilliam, Whitcomb of Littleton, Emerson of Rochester 2, Stowe of Auburn, Wheeler of Swanzey, Yeaton of Portsmouth 2, Tucker of Rye, Hartford of Dover 3, Senechal of Nashua 9, Gilbert of Wentworth, Hamel of Somersworth 1, Gaumont of Manchester 7, Provencher of Manchester 8, Benoit of Manchester 7, Daniel of Manchester 13.



*Transportation*—Myhaver of Peterboro, Peaslee of Weare, Batchelor of Keene 1, Corson of Derry, Cryan of Lancaster, Nickerson of Madison, Hanson of Gilsum, Whitcomb of Littleton, Keay of Kingston, Christiansen of Berlin 3, Patridge of Newfields, Robbins of Fremont, Fletcher of Concord 5, Anderson of Manchester 2, McGowan of Manchester 4, Smith of New Hampton, Carrier of Nashua 3, Benoit of Manchester 8, Butler of Lebanon.

*University of New Hampshire*—Hayes of Barrington, Nickerson of Madison, Moore of Alstead, Cryan of Lancaster, Cummings of Lyndeboro, Sanborn of Enfield, Hilton of Keene 3, Tuttle of Atkinson, Davison of Haverhill, Wakefield of Goffstown, Morrison of Derry, Studd of Berlin 2, Conrad of Rochester 2, Fox of Manchester 6, Nutter of Rollinsford, Kane of Manchester 8, Marcotte of Claremont.

*Ways and Means*—Tarbox of Marlboro, Peever of Salem, Neal of Meredith, Cilley of Exeter, Thomas of Dublin, Robertson of Hinsdale, Carter of Merrimack, Noyes of Bethlehem, Rollins of Alton, Graham of Antrim, Cloues of Warner, Cummings of Lyndeboro, Milburn of Dunbarton, Frissell of Keene 2, Hayes of Rochester 6, Nichols of Center Harbor, Chandler of Gorham, Mason of Berlin 1, Daly of Claremont, Charois of Greenville, Caron of Manchester 10, Merrill of Plymouth, Coakley of Concord 1.

*Rules*—The Speaker, Wiggin of Manchester 1, Daniels of Manchester 1, Hunter of Hanover, Simpson of Bartlett, Blandin of Bath, Osborne of Sunapee.

#### Journal of the House

The Speaker, Matson of Concord, Driscoll of Manchester 9.

### Joint Standing Committees

*State House and State House Yards*—Swift of New London, Palmer of Plaistow, Hunter of Hanover, Milburn of Dunbarton, Prescott of Newton, Osborne of Sunapee, Chandler of Gorham, Fecteau of Epping.

*State Library*—Pennell of Exeter, Morris of Lancaster, Blandin of Bath.

On motion of Mr. Blandin of Bath business in order at 3 o'clock was made in order at the present time.

On motion of Mrs. Caron of Manchester at 12:35 o'clock the House adjourned.

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WEDNESDAY, JANUARY 8, 1941.

The House met at 11:00 o'clock.

Prayer was offered by Rev. William Weston of Hancock.

### Leaves of Absence

Messrs. Aubin of Manchester, and Brennan of Westmoreland were granted leaves of absence for the day on account of important business.

Miss Bailey of Newport was granted leave of absence for the day on account of illness in the family.

Mr. Smith of New Durham was granted leave of absence for Thursday on account of important business.

Mr. Bigelow of Pelham was granted leave of absence for Thursday on account of attending a funeral.

Messrs. Gile of Lebanon, and Gage of Manchester were granted leaves of absence for the rest of the week on account of illness.

Mr. Thibodeau of Manchester was granted leave of

absence for the rest of the week on account of death in the family.

Mr. Valia of Grafton was granted leave of absence for Wednesday, January 15, on account of important business.

Mr. Winslow of Chesterfield was granted leave of absence for the day on account of illness.

### **Bills Introduced**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Chase of Manchester, House Bill No. 8, An act relating to the annual report of the Insurance Commissioner to the Secretary of State. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 9, An act relating to the incorporation and powers of insurance companies. To the Committee on Insurance.

By Mr. Brown of Ashland, House Bill No. 10, An act relating to taking of brook trout from Sky Pond in New Hampton. To the Committee on Fisheries and Game.

By Mr. Osborne of Sunapee, House Bill No. 11, An act to abolish the town of Ellsworth. To the Committee on Judiciary.

By Mr. Robbins of Fremont, House Bill No. 12, An act legalizing the November election in the town of Fremont. To the Committee on Revision of the Statutes.

By Mr. Matson of Concord, House Bill No. 13, An act relating to support of children. To the Committee on Revision of the Statutes.

By Mr. Noyes of Bethlehem, House Bill No. 14, An act relating to insurance companies. To the Committee on Ways and Means.



By Mrs. Christiansen of Berlin, House Bill No. 15, An act relative to unemployment compensation. To the Committee on Judiciary.

By Mr. Matson of Concord, House Bill No. 16, An act relating to cost of briefs in the supreme court. To the Committee on Revision of the Statutes.

By Mr. Daniels of Manchester, Ward 1, House Joint Resolution No. 1, Joint resolution in favor of Guy S. Neal and others. To the Committee on Appropriations.

### Order Vacated

Mr. Wyman of Candia moved that the order whereby House Bill No. 2, An act authorizing the town of Candia to issue refunding notes or bonds, was referred to the Committee on Judiciary be vacated.

The question being on the motion.

(Discussion ensued)

Mr. Wyman spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Wyman of Candia moved that the rules of the House be so far suspended that reference to a committee be dispensed with, and that the bill be placed upon its third reading, and final passage at the present time.

The question being on the motion.

(Discussion ensued)

Mr. Wyman spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

### Committee Report

Mrs. Brungot of Berlin, for the Committee appointed to select a Chaplain, reported they recommend the

Rev. Edwin B. Young of Hillsborough for the session of 1941.

The report was accepted.

The question being on the report of the committee.

On a *viva voce* vote the recommendation of the committee was adopted.

### Resolution

Mrs. Cooper of Nashua offered the following resolution :

*Resolved*, That the members of the House be allowed the privilege of smoking during the time the House is in session.

The question being on the resolution.

(Discussion ensued)

Mrs. Cooper of Nashua and Mr. Duncan of Jaffrey spoke in favor of the resolution.

Mr. Taylor of Whitefield spoke against the resolution.

On a *viva voce* vote the resolution was not adopted.

### Reconsideration

Mr. O'Shan of Laconia moved to reconsider the vote whereby the House refused to adopt the resolution, and asked for a division.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. O'Shan of Laconia, Mrs. Cooper of Nashua and Mrs. Brungot of Berlin, spoke in favor of the motion.

A division being had, the Speaker declared the vote manifestly in the affirmative and the motion to reconsider prevailed.

The question being on the resolution offered by Mrs. Cooper of Nashua.

On a *viva voce* vote the resolution was adopted.

### Order Vacated

Mr. O'Brien of Manchester, moved that the order whereby House Bill No. 1, An act relating to the Manchester Finance Commission, was referred to the Committee on Judiciary be vacated and the rules be suspended and the bill be referred to the special committee consisting of the delegation from the city of Manchester.

The question being on the motion.

(Discussion ensued)

Messrs. Wiggin, Chase of Manchester and Frissell of Keene spoke against the motion.

Mr. Lesmerises of Manchester spoke for the motion.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Duncan of Jaffrey the drawing of seats was made in immediate order. The Clerk was instructed to draw seats for absent members. The method of drawing of seats to be by counties.

Mr. Daniels of Manchester, Ward 1, for the Committee on Appropriations, announced the appointment of Eleanor Brown as stenographer.

### Qualified

Messrs. Stowe of Auburn, Jackson of Dover, Tilton of Laconia, Ward 4, Potter of Concord, Bresnahan, Betley, Booth, Clancy, McGowan, Jean, Thibodeau, Goulet, Trombly of Manchester, Mason of Keene, Morse of Warren and Cryan of Lancaster, having qualified before his Excellency the Governor, appeared during the session and took their seats as members of the House.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

On motion of Mrs. Banfield of Moultonborough at 1:00 o'clock the House adjourned.



THURSDAY, JANUARY 9, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Mercier of Claremont, Atherton of Nashua, Hinchey and Hayes of Berlin, and Boisvert of Pembroke, were granted leaves of absence for the day on account of important business.

Mr. Turcotte of Manchester was granted leave of absence for the day on account of court duty.

Mr. Hunter of Hanover was granted leave of absence for the day on account of out of state business.

Messrs. Wiggin of Manchester, and Wiggin of Bedford were granted leaves of absence for the rest of the week on account of death in the family.

Mr. Maley of Newport was granted leave of absence for next week on account of state business.

Messrs. Kennard of Dover, and Osborne of Concord were granted leaves of absence for the day on account of illness.

### Bills Introduced

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Hunter of Hanover, House Bill No. 17, An act relating to membership of the board of registration in optometry. To the Committee on Revision of the Statutes.

By Mr. Holden of Hanover, House Bill No. 18, An act relative to time of closing the polls at biennial elections. To the Committee on Judiciary.

By Mr. Smart of Ossipee, House Bill No. 19, An act relating to the proceeds of the sale of tax-acquired property. To the Committee on Revision of the Statutes.

By Mr. Wadleigh of Milford, House Bill No. 20, An act relative to the oath to be taken by absentee voters. To the Committee on Judiciary.

By Mr. St. Francois of Nashua, House Bill No. 21, An act relating to the discharge of mortgages. To the Committee on Revision of the Statutes.

By Mr. Coolidge of Bristol, House Bill No. 22, An act relating to taking of cusk in Newfound Lake. To the Committee on Fisheries and Game.

By Mr. Coolidge of Bristol, House Bill No. 23, An act relating to state highway construction in recreational areas. To the Committee on Public Improvements.

### Resolutions

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10.00 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11.00 o'clock.

Mr. Duncan of Jaffrey offered the following resolution.

*Resolved*, That the Clerk be instructed to procure one bill-binder for each member of the House requesting the same in writing; and for each committee, the chairman of which shall request, four bill-binders for the use of such committee.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Daniels of Manchester, Ward 1, offered the following resolution.

*Whereas*, the House has learned with sorrow of the death of George H. Wiggin, father of Representatives

J. Walker Wiggin of Manchester, and Ralph M. Wiggin of Bedford, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy, and be it further

*Resolved*, That the Clerk be instructed to procure a suitable floral tribute.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Daniels, Ward 1, Chase, Knowlton, Jean of Manchester, and Wadleigh of Milford.

Mr. Durette of Manchester offered the following resolution.

*Whereas* this House has learned with sorrow of the bereavement of our fellow member, Arthur Thibodeau in the death of his nephew, Roger Glaude, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Durette, Rousseau, Duval and Aubin of Manchester, and Mrs. Charois of Greenville.

### Qualified

Mrs. Dondero of Portsmouth having qualified before His Excellency the Governor, appeared during the session and took her seat as a member of the House.

### Committee Report

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bill, House Bill No. 7, An act legalizing the November, 1940, election in the town of Wilton.



The report was accepted.

Mrs. Charles H. Barnard, wife of the Speaker of the House, was presented to the members.

On motion of Mrs. Dondero at 11.28 o'clock the House adjourned.

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SATURDAY, JANUARY 11, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, January 11, 1941.

Mr. Donald G. Matson,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

On motion of Mr. Parkhurst of Columbia, the House adjourned.

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TUESDAY, JANUARY 14, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### **Resolutions**

On motion of Mr. Matson of Concord.

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Honorable Senate in joint convention, at

11:10 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

### Senate Message

The message stated that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Resolved*, That the Senate will be ready to meet the House of Representatives in joint convention as suggested by the House Message, at 11:10 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

### Joint Convention

The Honorable Senate then came in and the two branches being in convention, His Excellency, the Governor, escorted by the Honorable Council, then appeared and delivered the following message.

### Budget Message

*Mr. Speaker and Members of the Honorable General Court:*

In compliance with the Budget and Accounting Statute of 1931, I hereby present my budget message covering the biennium which begins with July 1, 1941 and ends June 30, 1943. Although the law states that the budget shall be presented by February 15, I offer it at this time in the hope that it may facilitate legislative action, and thus help to shorten the present session of the General Court.

### General Principles

It is impossible to get a clear picture of the financial problems of the state, unless we view them in rela-

tion to the federal government and its effect upon our state economy in a rapidly and radically changing world order. War adds daily to the tax collected from us by the federal government. The accelerating costs of national defense must now be added to an accumulated national *debt* of more than \$400 per capita, and a national *tax* of about \$70 per annum for every person. It is not my purpose, nor within my jurisdiction, to offer a balance sheet of federal taxes collected from the citizens of New Hampshire and of services rendered them in return by that government. I allude to the matter *only* to indicate the necessity of considering our own fiscal problems in the light of an expanding federal tax burden.

We do not measure the value of our state government by the extent of the power it exercises over the lives of individuals, but, rather, by the nature and extent of the necessary services which it can perform to weld the individuals into a prosperous and well-ordered society. It is the business of the state to finance such services toward the attainment of this goal.

Somewhere between the extremes of parsimony and extravagance in state expenditures there is a point of balance where money spent yields the highest possible dividends in the protection of life and property in public health and in intelligent citizenship. The proposed budget is an attempt to find that point of balance in regard to each department and institution, and to the state government as a whole. We must survey the field of state finances with the intent of making appropriations for what we can *afford*.

Of course, the rigid practice of pay-as-we-go cannot be strictly applied when the state suffers an exceptionally heavy loss due to an act of God, and in such cases it is good business to spread the burden of rehabilitation over a period of years. But we should



not accumulate public debt to meet the regular and continuous expenses of government, this leads to bankruptcy.

I am unalterably opposed to spending what we do not have. I firmly believe in the pay-as-we-go philosophy applied to state expenditures, for current operations and for current needs. As a matter of fact and record we have operated on this principle in the past to a degree hardly excelled by any other state in the Union. According to the latest available figures, the property, real and personal, from which must come all revenue in support of government, finds us well above the national average in capital ownership and income on the basis of population; our total property being \$1,374,135,000 and our total annual income, \$250,000,000. So sound has been our financial structure that the state has been able to borrow at the almost unheard-of rate of less than 1/25 of one per cent.

### Growth of State Government

In order to keep the financial picture of the state in its proper proportion, it is well to note the growth of state government since it was organized under the Constitution of 1784; and especially its rapid growth in the last forty years. A substantial evidence of this expansion is the new state office building. One hundred and forty-eight years ago the state government consisted of the Governor, five Councilors, Treasurer, Secretary of State, Commissary General, and Attorney General. As late as 1900 the cost of state government was only \$500,000. In 1939, it was \$19,265,986, or thirty-five times as much, a figure which includes all of our expenditures for highways, fish and game, federal grants in aid, debt service, and construction of buildings which are non-budgeted activities, as well as those which are included in the state budget. Like-

wise the number of state employees has increased from a few hundred to a figure between five and seven thousand.

There has been, since the beginning of the century, a rapid expansion of state government, reaching the peak of acceleration during the depression of the thirties. This recent increase was due, not only to the normal growth of the state services, but partly to the dislocations and crisis of that depression. We have now, however, reached a point near fiscal equilibrium.

The rate and measure of our growth in state government may be observed by a comparison based on the last eight years. In 1932, at the end of the fiscal year in June, we had thirty-two departments, bureaus, commissions, institutions and boards, costing the state each year in operating expenses the sum total of \$8,139,088.66. In 1940, we had seventy-three such agencies costing a total of \$16,924,653. The net debt of the State stood at \$5,717,316.85 in 1932 and at \$11,426,435.07 in June 1940. In approximate figures both debt and current state expenses have doubled within the last eight years, while the number of state departments, commissions, etc. has more than doubled.

For the most part, revenues have balanced expenditures. The net state debt has been scaled down from the peak figure of \$12,796,913 in 1937 to the present figure of \$11,533,914, as of October 1, 1940. The average tax rate in the state is four cents less than last year, and now stands at \$3.41. The tobacco tax, in effect for the first time during the past year, and designed to relieve the burden of the state's tax on real property, returned \$1,041,307.53.

#### **Budget for 1941-1942 and 1942-1943**

As I advised you in my message of January second, I deferred discussion of financial matters at that time in order to bring them together in this message, the

import of which is wholly financial. The process of budgeting is now so universal among governmental agencies and the usefulness of the budget as a financial plan has been so well demonstrated that we are inclined to accept a discussion of a budget somewhat casually. Also, because such a discussion involves the use of many figures, we are usually somewhat bored and bewildered by it all. However, I urge you to accept this message with all the seriousness with which it has been prepared and to afford it your most earnest consideration.

The budget affects every man, woman, and child in this state in one way or another because the services which are provided by the state government are provided for the benefit of all of the people within the state. Moreover, the budget affects most of us from a financial standpoint either directly or indirectly. A budget is a financial plan drawn for the purpose of defining the extent of expenditures to be made in providing service through the state departments and establishing the principles and policies to be followed in the next two fiscal years. A budget has two parts which are complementary to each other and which are inseparable and equally important: one part relates to expenditures and is the spending plan; and the other relates to income or revenues and is the plan by which we expect to raise the money to carry out the spending plan. We are able to make changes either upward or downward in a large part of the spending plan, and only very minor changes in the financing plan. Most of the sources from which we collect money under rights given us by statutes have become fixations over a term of years and unless their fundamental statutes are changed, they are only productive of a certain yield of revenue. The recent establishment of a tax on tobacco products and the abolition of the direct state tax on real property again limits the amount of flexibility



in our spending, and restricts us to revenue sources which are inflexible and dependent wholly on the amount of money produced by each source. These sources cannot be made to yield more revenue no matter in how much wishful thinking we may indulge. Thus, to balance a budget, we must first ascertain what money we can reasonably expect in the form of revenues and then shape our expenditure plans to come within that sum.

If you examine the budgeted expenditures of the state in a search for points which might allow reductions to be made in making up a budget you will find this situation:

1st. The state makes appropriations for some thirty fixed items established by statute or by long observed custom, not subject to reduction, which amount annually to \$980,000.

2nd. The item of salaries, which is roughly \$2,400,000. The tendency, because of statutory policy is for the cost of personal service to increase annually rather than to shrink, so this channel affords no hope for reduction.

3rd. Our statutes set up certain sharing bases for aid to the blind, the aged, the dependent children and other unfortunates. These payments account for a million dollars each year.

Thus, if you add these items, which allow no flexibility, you find the sum of \$4,380,000 which you are powerless to affect by downward revision. This is more than half of the whole budgeted expenditure of the state.

The budget which I am recommending to you is a balanced budget. The revenues which we contemplate receiving will be just sufficient to pay for the services we expect to give. In figures this is the overall picture:

	Revenues	Expenditures	Balance
1941-1942	\$8,088,251.82	\$8,047,442.95	\$40,808.87
1942-1943	8,098,991.95	8,131,395.70	32,403.75*
Biennium	\$16,187,243.77	\$16,178,838.65	\$8,405.12

It must be evident that there is no margin here for unforeseen requirements and I must point out to you that any extension of function, increase of services, or new services which require the expenditure of more money, must have accompanying it new revenues wherewith to pay for it, or the budget will be thrown out of balance. There is no "cushion" for increased expenditures in this spending plan, and I must lay strong emphasis upon the need for keeping our spending in balance with our ability to pay.

Let me tell you what happened to this budget before it reached the point at which I am able to bring it to you. Last fall the Comptroller's Office distributed large printed sheets to all the departments with the request that the departments proceed with the preparation of their estimated needs for the next biennium and to submit their requests on or before October 1, 1940. On that date all of the requests were in and the work of the budget committee began.

I would like to commend the valuable assistance furnished me by Senator Harold Fairbanks and Representative George Boynton of the 1939 session of the Legislature, Senator Philip Heald of Wilton, Representative Joel S. Daniels, of Ward 1, Manchester, and the Comptroller's Office. This group sat for nearly three weeks and heard the presentation, in person, by department heads, of the reasons for requested changes and increases in their financial plans for the biennium. After these interviews, the committee considered each departmental budget request in detail.

\* Deficit.

In arriving at a final determination as to what the various departments should have it was necessary to establish some general policies or principles which would be uniformly applied in order that no individual or departmental favoritism would appear. These policies were as follows:

- (1) No new positions would be allowed unless there was a most imperative need.
- (2) No salary raises would be allowed for positions which had salary rates of fifteen hundred dollars or more.
- (3) Annual increments of fifty dollars would be allowed in annual salaries up to fifteen hundred dollars only in instances in which increases were indicated by the department or institution head in making up the budget request.
- (4) Items of equipment or construction which were sizeable in amount were eliminated. (Such items will be considered in a capital budget discussed elsewhere in this message.)
- (5) In so far as possible, allowances were reduced to or below those actually appropriated for the fiscal year ending June 30, 1941.

When we started to develop this budget we were faced with requests for the year 1941-1942 of \$8,575,426, and for the year of 1942-1943 of \$9,143,215, or a total for the biennium of \$17,718,641. For the biennium 1939-1941 there was appropriated \$14,593,700. You will note that the requests exceeded the appropriation for the last biennium by \$3,124,941. Facing these facts we felt that it was absolutely necessary to materially reduce the amounts requested, and this budget shows a reduction of \$1,539,803 from the requests. The amount recommended for the year



1941-1942 is \$8,047,443, and the amount recommended for 1942-1943 is \$8,131,395.

When we cut a request it must mean giving up something or failing to grant some service, but in this budget we have made the cuts where it does not affect the care of our citizens as we are now giving it to them. Such cuts as have been made are only those in extension of service beyond what we are now giving.

The committee next considered the income available to meet the expenditures. It was apparent after examining the sums produced by the several sources that the amount of \$6,238,251 could be foreseen for 1941-1942 and \$6,248,991 for 1942-1943. The amount required to balance the budget in each of the two years is taken from the sinking fund into which we put income from liquor, racing, estate taxes, and taxes on gas and electric utilities. The amount estimated to be derived from this source is \$1,850,000 in each of the two fiscal years. The balance which will be maintained in the sinking fund is approximately one half million dollars after these annual withdrawals are made.

I must warn you that the amounts which have been indicated on the revenue side represent all that can be reasonably counted upon and any attempt to increase these amounts will result in disillusionment and disappointment. Establishing these funds at the highest conservative limit gives us the figure within which we must compress our expenditures or unbalance the budget.

In the case of practically all of the departments and institutions you will note that my budget recommendations correspond very closely with the amounts appropriated for the fiscal year 1940-1941. I will, therefore, not discuss in detail any of these departments and institutions. I would, however, like to call to your attention for special consideration a few state functions.

First, welfare and relief. You will note in this budget that I am recommending an increased appropriation for old age assistance of \$100,000, and for the care of dependent children an increase of \$50,000.

Regarding the whole subject of welfare and relief we should be interested in the method by which the greatest proportion of the money spent by the state, regardless of the source from which it comes, reaches the recipient with the least duplication in the process of administration. We must contribute more to the aged, and to dependent children, if we are to continue to operate under our present relief laws.

### Health

I believe that it is possible for us to rearrange the health activities, as they relate to all diseases, in this state, to bring about greater economy by segregating the functions which relate to health and making them a responsibility of the department of health. Functions which relate to welfare should be assigned to the welfare department, bearing in mind always these guiding principles:

1st. That the maintenance of the health of the people of the state as a whole should have due regard to the needs of all sections and all diseases.

2nd. That the practice of medicine should be maintained as an independent profession and that the state should perform only those functions which can be performed better by the state than by the profession, working either as individuals or in groups.

3rd. That every possible effort should be made to carry on all health functions on a basis equally fair to the patient, to the physicians, to the laymen who work for the state, full or part time, and to the taxpayers of the state who furnish the money, giving always due regard to the acts of the legislature, both as to funds for specific activities, and, administration.

### Liquor Department

I quote from my address of January second, "Our state liquor system has been demonstrated to be an effective method of regulating the sale of intoxicating liquors. It should be continued and enforced strictly, economically, honestly, and efficiently."

I believe that we can best carry out my recommendations of January second, by abolishing the liquor commission, as at present constituted, and establishing in place thereof a State Liquor Control Commission whose members would be paid on a per diem basis. The function of such a commission would be to supervise and direct the liquor department, including a director thereof appointed by the commission. This commission would have authority to take action, necessary or desirable, to make effective the laws, rules, and regulations relative to the sale and control of liquor and alcoholic beverages. If the legislature carries out this recommendation, I am convinced that it will reduce the cost by at least \$4,000 in administrative salaries and will increase efficiency. This method of administration has worked satisfactorily in practically every other board and commission in this state. Under this arrangement, we shall be able to develop a stronger, more efficient, businesslike organization to handle the business of liquor distribution and control. I further believe that this will remove from political pressure the control and handling of liquor to a greater extent than now exists.

I believe that the administration of the laws controlling beer and liquor in this state should be administered on the very highest possible plane from the standpoint of controlled regulation. I also believe that common sense and good business dictate that this system return to the state as much financial benefit as is possible, consistent always with proper regard to the



major problem of regulation. I am sure that costs of administration can be reduced without damage to the work which has to be done. As an illustration of this point: In the last half of 1940 the volume of business done by the state system increased eight per cent over the previous year, while at the same time, cost of administration increased twenty-four per cent.

### **Legislative Appropriation**

I have deducted ten thousand dollars for each of the two years under expense of legislature, reducing it from \$135,000 to \$125,000 for each year. The average cost of running the legislature each week other than salaries of the legislators is \$6,000. A decrease in the length of the session by three weeks, is, I believe, entirely possible. The session of 1937 lasted thirty-two weeks, that of 1939, twenty-four weeks. With early introduction of bills, especially the budget bill, it should be perfectly possible to reduce materially the length of the session from that of 1939.

The results of the committee's deliberations are the figures which I am presenting as the budget for this biennium. I am fully in accord with the figures, and am submitting them as my recommendation.

I am submitting with the appropriation act, as a paragraph which has not hitherto appeared in our appropriation acts, the following, which I hope will be enacted as part of the appropriation bill:

"All changes of salaries or wages of officers or employees paid from appropriations made under this chapter, except those fixed by statute, shall be fixed and determined at the time of the transmission of the budget by the Governor to the Legislature and no such changes shall be effective prior to the fiscal year for which the appropriations are made."

The purpose of this section is obvious. Salaries and

wages constitute thirty per cent of the total expenditure of the state. As you know, the creation of positions and establishment of salaries therefor is, in general, a power of the Governor and Council. The General Court creates some statutory offices and establishes the accompanying salary. If the Governor and Council follow the practice of making salary increases indiscriminately and at will, the ultimate effect upon a balanced budget can be very serious. To eliminate this practice of random salary changes, I am submitting the section referred to above. Furthermore, I am submitting, as a part of this budget, a salary schedule which is intended to be the fixation of all existing salaries at the time the budget for the first year of the biennium becomes effective. And for the second year there are available increases which become effective upon the recommendation of the department head and approval by the Governor and Council.

In connection with the problem of salaries, I am taking steps which I hope will ultimately result in a standardization of salaries and positions for all employees of all departments of the state. Briefly stated, the standardization of salaries and positions is aimed at securing for all employees "equal pay for equal work." This standardization is a necessary part of a well-rounded employment program for persons working for the state. Concurrently with this work, I plan to have established definite policies with regard to vacations, sick leave, leaves of absence with and without pay, and other problems affecting the welfare and treatment of state employees.

Parallel with this is the need for a study of the possibility of establishing a retirement system for state employees. I am suggesting that the General Court create a commission to work upon the retirement problem. It has been said by an eminent authority that any sound employment system must embrace

two essentials, "Opportunity for youth and security for old age." At present, our state service does neither. A young person entering the state's service has no definite vista ahead toward which he may travel with the assurance that if he works well and diligently he may earn promotion both in responsibility and pay. Likewise there is no provision for security when useful years are drawing to a close, for security of income is now dependent upon the whim of changing administrations. To accomplish these two very necessary objectives, I am taking steps to see that proper information is obtained looking to the ultimate establishment of a classified service with standardized salaries and positions to provide the opportunity for youth and a retirement system which will provide security for old age.

### **An All-Inclusive Budget**

There are now several large and important departments of the state which are not included in the state budget and are not subject to budgetary control. Notably, these are the highway department, the motor vehicle department, the liquor commission, and the fish and game department. While it is admitted that because of fluctuating and variable factors in the amount of work to be performed, the yearly needs of the departments may be somewhat variable, nevertheless it appears to me that these departments could be placed on a budget basis with excellent results. If the budget system is valuable for other state departments and for our local units of government, it is logical that benefits will accrue if these departments have budgets established for them and they are operated upon a definite financial plan. I am, therefore, recommending that all departments and institutions be brought into our present budgetary system.



### Capital Budget

There is an increasing practice among governmental units, notably states and large cities, to study their needs over a term of years in the form of capital outlays. By this I mean outlays for structures, land and equipment which are not recurrent yearly. Ordinarily we finance the larger items by borrowing, and attempt to include the smaller items in our current budget. In the case of the latter, distortion of the amount required annually occurs; and in the case of the former, borrowing authorizations are often made for the benefit of one department or institution without consideration of the equally urgent needs of other departments or institutions.

In order to bring order out of what otherwise is a somewhat chaotic situation, it is proposed to assemble the requirements of all departments and institutions over a term of six years, and to see what may be undertaken, with due regard to the state's ability to pay. By such a program the most urgent improvements would be made first and equal treatment of all departments and institutions would be aimed at. Accordingly, I am taking steps to have a so-called capital budget prepared with the intent of submitting it to the General Court for its consideration during this session.

### Bonded Debt

We hear much discussion of our state debt. As of November 30, 1940, the gross bonded debt was \$16,585,000. This represents our entire outstanding obligations as of that date. We had on hand as of the same date \$2,709,579 which is available for the retirement of bonded debt. The difference between these two is our net bonded debt, and that is \$13,875,421. A statement of these outstanding obligations is appended to this message.

In speaking of our debt situation we are often confused by figures which appear in relation to our debt. We talk about "net debt" and "net bonded debt" and most of us use the two terms to describe the same thing. Our financial officers tell us this is not correct because "net bonded debt" is the amount we have in outstanding bonds less the accumulations in the sinking fund which might be used to pay it off. On the other hand "net debt" is the amount we have in outstanding funded debt, plus accounts payable and other liabilities which ultimately will have to be met, offset by cash on hand, accounts receivable, sinking fund balances, investments, and inventories. Thus the "net bonded debt" refers only to the status of our funded obligations, while "net debt" is the result of a survey of our entire financial situation. On October 30, our "net bonded debt" was \$13,875,421, and our "net debt" was \$11,533,914.

We have authorizations in force to borrow as follows:

Purpose	Amount Appropriated	Amount Yet To Borrow
Rye Harbor Jetties	\$154,000.00	\$64,000.00
Rye Harbor Improvements	100,000.00	100,000.00
State Hospital and Laconia		
State School	1,000,000.00	500,000.00
Eradication of Bovine		
Diseases	700,000.00	500,000.00
Highways	5,000,000.00	1,500,000.00
Contingent upon Federal Aid		
Sanatorium Nurses Home	60,000.00	60,000.00
Hampton Harbor Toll		
Bridge	350,000.00	350,000.00
State Liquor Building	120,000.00	120,000.00
	<hr/>	<hr/>
	\$7,484,000.00	\$3,194,000.00

**Adherence to the Budget**

There is a growing tendency for the amounts required to finance the state government during the bienniums to show a definite increase. The figures for several past bienniums are:

'31-'33	\$8,939,043
'33-'35	8,432,566
'35-'37	8,854,927
'37-'39	11,665,300
'39-'41	14,593,700

For the next biennium, I am recommending the sum of \$16,178,837.

This imposes upon the Governor and Council and on the financial officers of the state a serious responsibility to keep our expenditures within the bounds set by the Appropriation Act, and I assure you that such will be our constant endeavor.

In these days when we hear much about democracy being on trial and the dangers it faces, both from within and without the boundaries of our nation, there appears an especial seriousness in our deliberations on financial matters. In order to counteract, as far as possible, the dangers that our democracy may have to face, it is my belief that we should take every possible step to bolster and strengthen our enthusiasm and faith in the democratic agency we call our state. If we allow extravagance or waste in our public spending, we fail significantly in the task of maintaining confidence in the elective process by which we select our officials. If we procrastinate in our duties, and if we permit incompetence to be evident in what we do, we detract equally from the opinion our people may have of us. It is with the utmost sincerity that I assure you we shall constantly endeavor, during the next two years, to keep our spending within the plan you may adopt for us, and maintain the services required for



our people in a manner as economical and as efficient as our resources will permit.

As we face the task ahead there are only three courses open to us, one of which we must follow:

First. To increase revenue through taxation of some kind.

Second. To go further into debt through bonded indebtedness or otherwise.

Third. To cut expenditures.

I believe we have no right to accept either of the first two, and I recommend to you that the expenses be kept down to a point where our present taxes will give us a balanced budget.

On motion of Mr. Duncan of Jaffrey.

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies of the budget message of His Excellency, the Governor.

On motion of Senator Weston of District No. 11, the convention rose.

## House

### Leaves of Absence

Messrs. Hamlin of Charlestown, Hobbs of North Hampton, and Lord of Gilford were granted leaves of absence for the day on account of important business.

Messrs Bunker of Epsom, Nelson of Hopkinton, and Mills of Jaffrey were granted leaves of absence for the day on account of illness.

Mrs. Morris of Lancaster was granted leave of absence for the day on account of illness.

Mr. Clark of Canaan was granted leave of absence for Wednesday on account of Court duty.

Mr. Ford of Danbury was granted leave of absence for Thursday on account of important business.

Mr. Morrison of Derry was granted leave of absence for the rest of the week on account of illness.

Mr. Paquette of Nashua was granted leave of absence for the week on account of illness.

### **Petition Presented and Referred**

By Mr. Callahan of Keene, petition of Eugene J. Pelletier praying for a seat in the House.

Read a first and second time, and referred to the Committee on Elections.

### **Bills Introduced**

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Philbrick of Belmont, House Bill No. 24, An act relative to the amount of assistance which may be granted to old age assistance recipients. To the Committee on Revision of the Statutes.

By Mr. Lichman of Keene, House Bill No. 25, An act making Lincoln's Birthday a legal holiday. To the Committee on Judiciary.

By Mr. Butler of Lebanon, House Bill No. 26, An act relative to sessions for the correction of checklists in the town of Lebanon. To the Committee on Judiciary.

By Mr. Kenney of Loudon, House Bill No. 27, An act defining the term distributor under the provisions relative to milk control. To the Committee on Agriculture.

By Mr. Pennell of Exeter, House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state. To the Committee on Revision of the Statutes.

By Mr. Duncan of Jaffrey, House Bill No. 29, An act to restrict the authority of the commission of pharmacy and practical chemistry. To the Committee on Public Health.

By Mr. Duncan of Jaffrey, House Bill No. 30, An act relating to trust funds. To the Committee on Judiciary.

By Mr. Keay of Kingston, House Bill No. 31, An act to open Great pond in Kingston to ice fishing. To the committee on Fisheries and Game.

By Mrs. Brungot of Berlin, House Bill No. 32, An act relative to the employment of a chaplain for the legislature. To the Committee on Rules.

By Mrs. Otis of Concord, House Bill No. 33, An act relating to reports on the operation of cold storage warehouses. To the Committee on Public Health.

By Mrs. Otis of Concord, House Bill No. 34, An act relating to sanitary inspectors. To the Committee on Public Health.

By Mrs. Otis of Concord, House Bill No. 35, An act relating to definitions and standards under the food and drug law. To the Committee on Public Health.

By Mrs. Brungot of Berlin, House Bill No. 36, An act relating to the open season for taking deer in Coos county. To the Committee on Fisheries and Game.

By Mrs. Brungot of Berlin, House Bill No. 37, An act relative to qualification of voters. To the Committee on Judiciary.

By Mr. Upton of Concord, House Bill No. 38, An act relating to zoning. To the Committee on Judiciary.

By Mr. Valishka of Nashua, House Bill No. 39, An act relating to workmen's compensation. To the Committee on Labor.

By Mr. Gile of Hanover, House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company. To the Committee on Insurance.

By Mr. Gile of Hanover, House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company. To the Committee on Insurance.

By Mr. Woodbury of Manchester, House Bill No. 42,



An act relative to qualifications for the practice of pharmacy. To the Committee on Public Health.

By Mr. Daniels of Manchester, Ward 1, House Bill No. 43, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1942. To the Committee on Appropriations.

By Mr. Daniels of Manchester, Ward 1, House Bill No. 44, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1943. To the Committee on Appropriations.

By Mr. Butler of Lebanon, House Joint Resolution No. 2, Joint Resolution in favor of Millard Kidder. To the Committee on Claims.

By Mr. Upton of Concord, House Joint Resolution No. 3, Joint Resolution in memory of Franklin Pierce. To the Committee on State House and State House Yard.

### Senate Message

The message from the Senate stated that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 7, An act legalizing the November 1940 election in the town of Wilton.

### Resolution

On motion of Mr. Daniels of Manchester, Ward 1,

*Resolved*, That the rules be so far amended that the Committee on Claims, the Committee on Insurance, the Committee on Military Affairs consist of 19 members; the Committee on Banks, the Committee on Public Health, the Committee on Labor, the Committee on Transportation and the Committee on Liquor Laws consist of twenty-one members; the Committee on Agriculture and the Committee on Judiciary consist of twenty-three members; that the name of the Commit-

tee on Normal Schools be changed to the Committee on New Hampshire Teachers Colleges.

On motion of Mr. Tarbox of Marlboro the House took a recess until 1:45 o'clock.

### **After Recess**

#### **Change in Assignment of Committee Room**

The following change in assignment of committee rooms was announced:

The Committee on Liquor Laws meeting room was changed from the Chamber of Commerce to the office of the Liquor Commission.

### **Qualified**

Messrs. Burkhardt and Schlegel of Portsmouth, having sualified before His Excellency, the Governor, appeared during the session and took their seats as members of the House.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Chase of Manchester, House Bill No. 45, An act relating to documents in the office of the Insurance Commissioner. To the Committee on Insurance.

By Mr. Chase of Manchester, House Bill No. 46, An act relating to temporary insurance licenses. To the Committee on Insurance.

By Mrs. Brungot of Berlin, House Bill No. 47, An act relative to exemption on real estate of totally disabled veterans. To the Committee on Military Affairs.

By Mr. Gleason of Hancock, House Bill No. 48, An act prohibiting certain combinations of business by insurance companies. To the Committee on Insurance.

By Mr. Gile of Hanover, House Bill No. 49, An act relating to the salary of the Deputy Insurance Commissioner. To the Committee on Insurance.

By Mr. St. Francois of Nashua, House Bill No. 50, An act relating to nomination of officers in the city of Nashua. To the Committee on Judiciary.

### Order Vacated

Mr. St. Francois of Nashua moved that the order whereby House Bill No. 50, An act relating to nomination of officials in the city of Nashua, was referred to the Committee on Judiciary be vacated and the bill be referred to a special committee consisting of the delegation from the city of Nashua.

The question being on the motion.

(Discussion ensued)

Mr. Chase of Manchester spoke against the motion.

Mr. St. Francois of Nashua spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

Mr. St. Francois asked for a division.

A division being had, 46 members voted in the affirmative and 157 members voted in the negative and a quorum of the House not being present at 1:59 o'clock the House was adjourned and the motion went into unfinished business.

### Afternoon

The House was immediately called to order in afternoon session.

### Resolution

On motion of Mr. Gorham of Manchester,

*Resolved*, That when the House adjourns today, it be in memory of George H. Wiggin, father of Representatives J. Walker Wiggin of Manchester and Ralph M. Wiggin of Bedford.

The resolution was unanimously adopted by a rising vote.



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On motion of Mr. Chase of Manchester at 2:10 o'clock the House adjourned.

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WEDNESDAY, JANUARY 15, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Messrs. Smart of Durham, Bunker of Epsom, Mercier of Claremont, and Mrs. Morris of Lancaster, were granted leaves of absence for the rest of the week on account of illness.

Mr. Nelson of Hopkinton was granted leave of absence for the day on account of illness.

Mr. Brennan of Dover was granted leave of absence for the rest of the week on account of important business.

Mr. Thibodeau of Manchester was granted leave of absence for the week on account of death in the family.

The members from Ward 12 and 13 of Manchester were granted leaves of absence for tomorrow on account of attending a funeral.

#### **Committee Report**

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 1, Joint resolution in favor of Guy S. Neal and others, having considered the same, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

**Bills Introduced**

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Tilton of Laconia, Ward 4, House Bill No. 51, An act establishing the Laconia Airport Authority. To the Committee on Judiciary.

Mr. Tilton of Laconia, Ward 4, moved that the rules of the House be so far suspended that the printing of the bill, and its reference to a committee be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Tilton spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Tilton moved that the rules of the House be further suspended that the bill be put upon its third reading, by title, and final passage at the present time.

The question being on the motion.

(Discussion ensued)

Mr. Tilton spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

By Mr. Wiggin of Manchester, House Bill No. 52, An act relating to highways. To the Committee on Revision of the Statutes.

By Mr. Wiggin of Manchester, House Bill No. 53, An act to increase the amount of property that St. Mary's School for girls may own. To the Committee on Judiciary.

By Mrs. Charois of Greenville, House Bill No. 54, An act relating to investments of savings banks. To the Committee on Banks.

By Mr. Frain of Manchester, House Bill No. 55, An act relating to hunting on Sunday. To the Committee on Fisheries and Game.

By Mr. Lake of Brentwood, House Bill No. 56, An act legalizing the November, 1940, election in the town of Brentwood. To the Committee on Judiciary.

By Mr. Whitcomb of Littleton, House Bill No. 57, An act relating to small claims. To the Committee on Judiciary.

By Mr. Grinnell of Derry, House Bill No. 58, An act legalizing the biennial election of November, 1940, in the town of Derry. To the Committee on Judiciary.

By Mr. Tucker of Rye, House Bill No. 59, An act providing for the improvements at Rye Harbor. To the Committee on Coastwise Improvements.

By Mr. Philbrick of Belmont, House Bill No. 60, An act relative to tax exemption for aged persons. To the Committee on Revision of the Statutes.

By Mr. Hayes of Berlin, House Bill No. 61, An act relating to unemployment compensation. To the Committee on Labor.

By Mrs. Brungot of Berlin, House Bill No. 62, An act relating to proof of financial responsibility by owners and operators of motor vehicles. To the Committee on Judiciary.

By Mrs. Brungot of Berlin, House Bill No. 63, An act relative to property taxes of widows. To the Committee on Revision of the Statutes.

By Mrs. Brungot of Berlin, House Bill No. 64, An act relating to licenses to hunt and fish. To the Committee on Fisheries and Game.

By Mr. Hodge of Franconia, House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands. To the Committee on Forestry and Recreation.

By Mr. Pennell of Exeter, House Bill No. 66, An



act prohibiting the obstructing of driveways. To the Committee on Public Improvements.

By Mr. Simpson of Bartlett, House Bill No. 67, An act relating to the open season for taking deer in Carroll county. To the Committee on Fisheries and Game.

By Mr. Davison of Haverhill, House Joint Resolution No. 4, Joint resolution to compensate F. Earle Thayer for services. To the Committee on Claims.

By Mr. Laird of Canterbury, House Joint Resolution No. 5, Joint resolution making appropriation for the improvement of the Mountain road in the town of Canterbury. To the Committee on Public Improvements.

By Mr. Shedd of New Boston, House Joint Resolution No. 6, Joint resolution for improvements at the State Industrial School. To the Committee on Industrial School.

By Mr. Shedd of New Boston, House Joint Resolution No. 7, Joint resolution to complete alterations to old Main building at the State Industrial School. To the Committee on Industrial School.

By Mr. Shedd of New Boston, House Joint Resolution No. 8, Joint Resolution for the construction of hospital facilities at the State Industrial School. To the Committee on Industrial School.

By Mr. Redden of Portsmouth, House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay. To the Committee on Coastwise Improvements.

By Mr. Morse of Warren, House Joint Resolution No. 10, Joint resolution in favor of Charles E. Stevens. To the Committee on Claims.

By Mr. Chase of Manchester, House Joint Resolution No. 11, Joint resolution in favor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski. To the Committee on Claims.

### Order Vacated

Mr. Daniels of Manchester, Ward 1, moved that the order whereby House Bill No. 5, An act relating to workmen's compensation, and House Bill No. 6, An act relating to workmen's compensation waiting period, were referred to the Committee on Revision of the Statutes, and House Bill No. 15, An act relative to unemployment compensation was referred to the Committee on Judiciary, be vacated, and that these bills be referred to the Committee on Labor.

On a *viva voce* vote the motion prevailed.

### Resolution

On motion of Mr. Durette of Manchester,

*Whereas*, the House has learned with sorrow of the bereavement of our fellow member, Arthur Thibodeau, in the death of his mother, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy, and be it further

*Resolved*, That the Clerk be instructed to procure a suitable floral tribute.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Rousseau, Daniel of Ward 13, Turgeon and Aubin, and Mrs. Gilmarton of Manchester.

The Speaker declared the House in recess.

### After recess

### Introduction of Bills

The following bills and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Tilton of Concord, House Bill No. 68, An act relating to the issue of non-assessable policies by Mutual Fire Insurance Companies. To the Committee on Insurance.

By Mr. Atherton of Nashua, House Bill No. 69, An act relating to investments by guardians. To the Committee on Insurance.

By Mr. Wiggin of Conway, House Bill No. 70, An act to increase the salary of Solicitor of Carroll County. To the Committee on Judiciary.

By Mr. Wiggin of Conway, House Bill No. 71, An act abolishing causes of action for breach of contract to marry. To the Committee on Revision of the Statutes.

By Mr. Osborne of Concord, House Bill No. 72, An act relating to sales; investments by trustees of estates. To the Committee on Revision of the Statutes.

By Mrs. Dugas of Berlin, House Bill No. 73, An act relative to taking horned pouts in Coos county. To the Committee on Fisheries and Game.

By Mr. Mock of Webster, House Bill No. 74, An act relating to reimbursement of towns. To the Committee on Judiciary.

By Mr. Whittier of Franklin, House Bill No. 75, An act relating to persons and property liable to taxation. To the Committee on Ways and Means.

By Mr. Bell of Plymouth, House Bill No. 76, An act relative to the statements of county commissioners to the convention. To the Committee on Revision of the Statutes.

By Mrs. Dondero of Portsmouth, House Bill No. 77, An act relating to jurors. To the Committee on Judiciary.

By Mr. O'Brien of Manchester, House Bill No. 78, An act establishing a commission to raise additional revenue for the state. To the Committee on Ways and Means.



By Mr. Fogg of Deerfield, House Bill No. 79, An act relating to disposition of game, etc., killed. To the Committee on Fisheries and Game.

By Mr. Myhaver of Peterborough, House Bill No. 80, An act relating to the operation of motor vehicles. To the Committee on Transportation.

By Mr. Callahan of Keene, House Bill No. 81, An act relative to the sales of liquor. To the Committee on Liquor Laws.

By Mr. Graham of Antrim, Joint Resolution No. 12, Joint resolution in favor of Guy O. Hollis. To the Committee on Claims.

On motion of Mr. Tilton of Laconia, Ward 4,

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies of House Bill No. 51, An act establishing the Laconia Airport Authority as engrossed.

On motion of Mrs. Robertson of Hinsdale at 1:59 o'clock the House adjourned.

### Afternoon

The House was immediately called to order in afternoon session.

### Third Reading

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of a joint resolution by its caption made in order.

House Joint Resolution No. 1, Joint resolution in favor of Guy S. Neal and others.

Read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Charois of Greenville at 2:40 o'clock the House adjourned.

THURSDAY, JANUARY 16, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. O'Connell of Manchester, Bouthillier of Nashua, Bills of Amherst, Perkins of Pittsfield, Boynton of Hillsborough, and Reynolds of Greenfield were granted leaves of absence for the day on account of important business.

Messrs. Mills of Jaffrey, Nelson of Hopkinton, Tilton of Concord, Cram of Unity and Nash of Concord, and Miss Hanson of Gilsum were granted leaves of absence for the day on account of illness.

Mr. Emerson of Rochester was granted leave of absence indefinitely on account of illness.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at eleven o'clock.

### Bills Introduced

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Oakes of Landaff, House Bill No. 82, An act repealing the provisions relative to daylight saving time. To the Committee on Revision of the Statutes.

By Mr. Smart of Ossipee, House Bill No. 83, An act relating to interest on unpaid taxes. To the Committee on Revision of the Statutes.

By Mr. Abbott of Hudson, House Bill No. 84, An act providing for fishing or hunting, or combination fish-

ing and hunting licenses. To the Committee on Fisheries and Game.

By Mr. Jean of Manchester, House Bill No. 85, An act relating to the sale and delivery of liquor. To the Committee on Liquor Laws.

By Mr. Grindle of Conway, House Bill No. 86, An act relating to the right of a tax collector to distrain and sell personal property. To the Committee on Revision of the Statutes.

By Mr. Freese of Pittsfield, House Bill No. 87, An act increasing the debt limit of the school district of Pittsfield. To the Committee on Judiciary.

By Mr. Mills of Jaffrey, House Bill No. 88, An act changing the date of the primary election. To the Committee on Judiciary.

By Mr. Wiggin of Manchester, House Bill No. 89, An act to amend the charter of the Elliot Hospital of the city of Manchester. To the Committee on Judiciary.

By Mr. Wiggin of Manchester, House Bill No. 90, An act to amend the charter of Masonic Home. To the Committee on Judiciary.

By Mr. Potter of Concord, House Bill No. 91, An act to regulate the payment of dividends by guaranty savings banks. To the Committee on Banks.

By Mr. Hayes of Dover, House Bill No. 92, An act relative to the Dover Children's Home. To the Committee on Revision of the Statutes.

By Mr. Potter of Concord, House Bill No. 93, An act for relief on banks' petitions. To the Committee on Banks.

By Mrs. Brungot of Berlin, House Bill No. 94, An act relative to exceptions under the financial responsibility law. To the Committee on Judiciary.

By Mr. Foote of Seabrook, House Bill No. 95, An act relative to the abolition of a municipal court. To the Committee on Revision of the Statutes.



By Mr. Currier of Danville, House Bill No. 96, An act relative to commitment to the state hospital. To the Committee on Revision of the Statutes.

By Mrs. Mason of Berlin, House Bill No. 97, An act providing for a fiscal agent for the county of Coos. To the Committee on Judiciary.

By Mr. Fletcher of Concord, House Joint Resolution No. 13, Joint resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts. To the Committee on National Affairs.

By Mr. Myhaver of Peterborough, House Joint Resolution No. 14, Joint resolution for an investigation of the efficiency and need of continuing the county form of government. To the Committee on Appropriations.

By Mrs. Brungot of Berlin, House Joint Resolution No. 15, Joint resolution providing for a committee to revise the motor vehicle financial responsibility law. To the Committee on Rules.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 51, An act establishing the Laconia Airport Authority.

### Resolution

Mr. Pennell of Exeter offered the following resolution:

*Resolved*, That the New Hampshire House of Representatives hereby extends congratulations to Representative elect, Albert S. Baker of Concord, now

stationed in Texas with the 197th regiment on emergency duty, upon his elevation to the rank of Major in the United States Army.

Bestowal of this high military rank is particularly pleasing to this House as indicating that the War Department joins it in looking upon this member as deserving of such recognition; and be it further

*Resolved*, That the Clerk be instructed to forward copies of this resolution to Major Baker at Camp Hulen, and to his commanding officer, Colonel Albert E. Colburn.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

The Speaker declared the House in recess.

### After Recess

#### Committee Changes

Pursuant to the resolution adopted on Tuesday, January 14, the Speaker announced the following committee changes.

To the Committee on Banks, Messrs. Hobbs of North Hampton and Oakes of Landaff.

To the Committee on Claims, Messrs. Sanborn of Enfield, Clark of Harrisville and Sullivan of Manchester, Ward 3.

To the Committee on Agriculture, Messrs. Lievens of Hollis and Fraser of Gorham.

To the Committee on Judiciary, Mr. Lichman of Keene and Mrs. Dondero of Portsmouth.

To the Committee on Insurance, Messrs. Pierce of Walpole and Dulac of Manchester.

To the Committee on Public Health, Messrs. Hayes

of Tuftonboro, Berthiaume of Derry and Dupont of Pembroke.

To the Committee on Labor, Messrs. Rivers of Laconia, Thibodeau of Wolfeboro, Comi of Concord and Shea of Nashua.

To the Committee on Transportation, Messrs. Lombard of Keene, Emerson of Dalton and Bartlett of Goffstown.

To the Committee on Liquor Laws, Messrs. Tilton and Coakley of Concord, and Mrs. Caron of Manchester.

To the Committee on Military Affairs, Messrs. Batchelor of Keene and Fecteau of Epping.

### Resignations

The following resignations from committees were announced by the Speaker:

Mr. Batchelor of Keene, from the Committee on Transportation.

Mr. Lichman of Keene, from the Committee on Liquor Laws and State Hospital.

Mrs. Dondero of Portsmouth, from the Committee on Public Health and Claims.

On motion of Miss Rounds of Hill, at 11:59 o'clock the House adjourned.

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SATURDAY, JANUARY 18, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, January 18, 1941.



Mr. Donald G. Matson,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

On motion of Mr. Comi of Concord, the House adjourned.

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TUESDAY, JANUARY 21, 1941.

The House met according to adjournment.  
Prayer was offered by the Chaplain.

**Communication**

The following letter was read by the Clerk:

January 21, 1941.

Mr. Fred T. Wadleigh,  
Milford, N. H.

*Dear Sir:*

As I shall be unable to attend the session today, on account of legislative business in Washington, will you kindly preside for me, and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

**Leaves of Absence**

Messrs. Pennell of Exeter, Hutchins of Stratford, Woodman of Sanbornton and Jewell of Wolfeboro were granted leaves of absence for the day on account of illness.

Miss Hanson of Gilsum, Messrs. Grindle of Conway, Collette of Berlin, Beaudoin of Rochester, Leighton of Dover, Palmer of Plaistow, Merrill of Hampton, Habel of Somersworth, Ewing of Laconia, Guay of Laconia, Edwards of Bennington, Collins of Littleton and Guay of Lebanon were granted leaves of absence for the week on account of illness.

Mr. Wyman of Candia was granted leave of absence for the day on account of important business.

Mr. Bartlett of Lee was granted leave of absence to-day and Wednesday, on account of illness.

Mr. Kempton of Newport was granted leave of absence for Wednesday and Thursday on account of town business.

Mr. Atherton of Nashua was granted leave of absence Tuesday and Wednesday on account of business out of the state.

Mr. Merrill of Laconia was granted leave of absence for the day to attend a funeral.

Mr. Jewett of Milford was granted leave of absence for Wednesday on account of important business.

Mr. Ducette of Walpole was granted leave of absence for the week on account of illness.

Messrs. Landry and Sullivan of Nashua were granted leaves of absence for the day on account of illness.

### Unanimous Consent

Mr. Upton of Concord asked unanimous consent at the present time to present the report of the Commission appointed to revise the Public Laws, together with the accompanying bill enacting their report.

House Bill No. 98, An act to revise, codify and amend the Public Laws of the State of New Hampshire.

On a *viva voce* vote unanimous consent was granted.

### Introduction of Bills

The following bills and joint resolutions were severally read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Upton of Concord, House Bill No. 98, An act to revise, codify and amend the Public Laws of the State of New Hampshire. To the Committee on Judiciary.

On motion of Mr. Upton of Concord the rules were suspended, the printing of the bill and its reference to a committee were dispensed with.

On motion of the same member, the rules were further suspended, and the bill was referred to a special joint committee consisting of the Judiciary Committees of the House and Senate, and the Chairman of the Committees on Revision of the Statutes of the House and Revision of the Laws of the Senate.

By Mr. Peaslee of Weare, House Bill No. 99, An act relating to vital statistics. To the Committee on Revision of the Statutes.

By Mr. Fecteau of Epping, House Bill No. 100, An act empowering the school district of Sandown to exceed its statutory limit of bonded indebtedness. To the Committee on Judiciary.

By Mr. Peever of Salem, House Bill No. 101, An act relating to the salary of the Justice of the Municipal Court of Salem. To the Committee on Judiciary.

By Mr. Lucas of Dover, House Bill No. 102, An act relating to firearms. To the Committee on Judiciary.

By Mr. Seymour of Carroll, House Bill No. 103, An act relating to proof of financial responsibility by owners and operators of motor vehicles. To the Committee on Insurance.

By Mr. Stuart of Wilmot, House Bill No. 104, An act relative to maintenance of a part of the Kearsarge



Mountain road in the town of Wilmot. To the Committee on Public Improvements.

By Mr. Wadleigh of Milford, House Bill No. 105, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties. To the Committee on Judiciary.

By Mr. Young of Wakefield, House Bill No. 106, An act relative to jury trials. To the Committee on Judiciary.

By Mr. O'Shan of Laconia, House Bill No. 107, An act relative to Endicott Rock Park. To the Committee on Public Improvements.

By Mr. O'Shan of Laconia, House Bill No. 108, An act relative to a commission for the blind. To the Committee on Public Health.

By Mr. O'Shan of Laconia, House Bill No. 109, An act relative to distribution of income from sale of liquor by state stores. To the Committee on Liquor Laws.

By Mr. Laird of Canterbury, House Bill No. 110, An act fixing the date of the biennial primary election. To the Committee on Judiciary.

By Mr. Sanborn of Enfield, House Bill No. 111, An act relative to the license for the exhibition of moving pictures. To the Committee on Insurance.

By Mr. Sanborn of Enfield, House Bill No. 112, An act relative to license fees for taking fish and game. To the Committee on Fisheries and Game.

By Mr. Sanborn of Enfield, House Bill No. 113, An act relating to small claims procedure after judgment. To the Committee on Revision of the Statutes.

By Mr. Hopkins of Laconia, House Bill No. 114, An act to amend the charter of the city of Laconia and provide for biennial elections. To the Committee on Judiciary.

By Mr. Matson of Concord, House Bill No. 115, An act to make uniform the law of warehouse receipts.

To the Committee on Revision of the Statutes.

By Mr. Morrison of Derry, House Bill No. 116, An act relating to the salary of the Justice of the Municipal Court of Derry. To the Committee on Judiciary.

By Mr. Gay of Hillsborough, House Bill No. 117, An act relating to the taking of rabbits. To the Committee on Fisheries and Game.

By Mr. Pulsifer of Campton, House Bill No. 118, An act relating to motor vehicles. To the Committee on Revision of the Statutes.

By Mr. Peaslee of Weare, House Bill No. 119, An act relating to license fees for taking fish and game. To the Committee on Fisheries and Game.

By Mr. Whittier of Franklin, House Bill No. 120, An act relating to the city charter of Franklin. To the Committee on Judiciary.

By Mr. Jean of Manchester, House Bill No. 121, An act relating to service exemption from taxation. To the Committee on Ways and Means.

By Mr. Foote of Seabrook, House Bill No. 122, An act relating to the Black Water River Bridge in the town of Seabrook. To the Committee on Public Improvements.

By Mr. Myhaver of Peterborough, House Bill No. 123, An act relating to the motor vehicle license of non-residents. To the Committee on Transportation.

By Mrs. Banfield of Moultonborough, House Bill No. 124, An act relating to the power of a county delegation to investigate. To the Committee on Towns and Counties.

By Mr. Philbrick of Belmont, House Bill No. 125, An act relating to elections in the town of Belmont. To the Committee on Judiciary.

By Mr. Swift of New London, House Bill No. 126, An act to amend the charter of Colby Junior College for Women. To the Committee on Judiciary.

By Mr. Woodman of Sanbornton, House Bill No. 127, An act naming the notch between North Sanbornton and New Hampton in memory of Daniel Rollins. To the Committee on Public Improvements.

By Mr. Philbrick of Belmont, House Bill No. 128, An act relative to discontinuance of highways. To the Committee on Judiciary.

By Mr. Philbrick of Belmont, House Bill No. 129, An act relative to care of small cemeteries. To the Committee on Towns and Counties.

By Mrs. Bixby of Berlin, House Bill No. 130, An act relating to fees for the sale of beverages. To the Committee on Liquor Laws.

By Mr. Dupont of Pembroke, House Bill No. 131, An act relating to motor vehicle accidents. To the Committee on Insurance.

By Mr. Cummings of Lyndeborough, House Bill No. 132, An act providing for only one highway agent in a town. To the Committee on Judiciary.

By Mr. Cummings of Lyndeborough, House Bill No. 133, An act relating to the parking of motor vehicles. To the Committee on Revision of the Statutes.

By Mr. Smart of Ossipee, House Bill No. 134, An act relating to redemption of land sold for taxes. To the Committee on Judiciary.

#### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following joint resolution, sent up from the House of Representatives:

House Joint Resolution No. 1, Joint resolution in favor of Guy S. Neal and others.

The message further announced that the Senate had passed a bill with the following title, in the passage



of which it asked the concurrence of the House of Representatives:

Senate Bill No. 1, An act relative to the state forest reservation and park established in the town of Pittsburgh.

### Senate Bill Read and Referred

Senate Bill No. 1, An act relative to the state forest reservation and park established in the town of Pittsburgh.

Read a first and second time, and referred to the Committee on Judiciary.

### Resolutions

On motion of Mr. Daniels of Manchester, Ward 1,

*Resolved*, That the Chairman of the Committee on Appropriations be and hereby is authorized to appoint a messenger to the Appropriation Committee.

Mr. Woodbury of Manchester offered the following resolution:

*Whereas*, the Pilgrim Fathers early instituted the custom of observing a day of Thanksgiving and prayer, and

*Whereas*, the first Thanksgiving Day Proclamation of George Washington selected the last Thursday in November for observance, and

*Whereas*, since 1863, when Abraham Lincoln formalized the tradition of the last Thursday in November with a definite proclamation, it has remained so with each proclamation until the year of our Lord 1939, therefore be it

*Resolved*, That the House of Representatives, the Senate concurring, go on record as favoring United States Senate Bill S 360, a bill declaring the last Thursday in November of each calendar year a nation, legal, and public holiday known as Thanksgiving Day

everywhere within the jurisdiction of the United States, and be it further

*Resolved*, That the Secretary of State be instructed to send a copy of this resolution to each of our Senators and Representatives in Congress upon its passage.

The resolution was referred to the Committee on National Affairs.

The Speaker declared the House in recess.

### After Recess

#### Introduction of Bills Resumed

By Mrs. Gilmartin of Manchester, House Bill No. 135, An act ameliorating the burden of taxation on elderly widows. To the Committee on Ways and Means.

By Mr. Vittum of South Tamworth, House Bill No. 136, An act relative to interstate trips of motor trucks, tractors, trailers or semi-trailers. To the Committee on Transportation.

By Mr. Higley of Acworth, House Bill No. 137, An act relating to posting the time of opening and closing the polls at elections. To the Committee on Judiciary.

By Mr. Duncan of Jaffrey, House Bill No. 138, An act relative to management of the State Prison industries. To the Committee on State Prison and Industrial School.

By Mr. Redden of Portsmouth, House Bill No. 139, An act relating to the New Hampshire building at the Eastern States Exposition. To the Committee on Agriculture.

By Mr. Woodbury of Nashua, House Bill No. 140, An act relating to Building and Loan Associations. To the Committee on Banks.

By Mr. Conrad of Rochester, House Bill No. 141, An act prohibiting certain employment of elected city

officials. To the Committee on Revision of the Statutes.

By Mr. Conrad of Rochester, House Bill No. 142, An act relating to the expenditures of funds by city officials. To the Committee on Revision of the Statutes.

By Mr. Hale of Rochester, House Bill No. 143, An act to prevent public officials from buying property from themselves for the city, county or state. To the Committee on Revision of the Statutes.

By Mr. Hayes of Tuftonboro, House Bill No. 144, An act relating to exemptions from taxation. To the Committee on Ways and Means.

By Mr. Hayes of Barrington, House Bill No. 145, An act relative to hunting on Sunday. To the Committee on Revision of the Statutes.

By Mr. Bixby of Berlin, House Bill No. 146, An act relating to the sale of liquor. To the Committee on Liquor Laws.

By Mrs. Otis of Concord, House Bill No. 147, An act relative to destruction of certain records in the department of the state board of health. To the Committee on Public Health.

By Mr. Hayes of Barrington, House Bill No. 148, An act relative to transportation of scholars. To the Committee on Education.

By Mr. Dulac of Manchester, House Bill No. 149, An act to restrict illegal wagers. To the Committee on Ways and Means.

By Mr. Durette of Manchester, House Bill No. 150, An act relating to the hours of sale of beverages. To the Committee on Liquor Laws.

By Mr. Upton of Concord, House Bill No. 151, An act relating to the election of members of state committees of political parties. To the Committee on Judiciary.

By Mr. Upton of Concord, House Bill No. 152, An



act creating a state board of registrars of voters. To the Committee on Judiciary.

By Mr. Upton of Concord, House Bill No. 153, An act relative to reinstatement of state officials and employees who enter into the military or naval service of the United States for national defense in the present emergency. To the Committee on Military Affairs.

By Mr. Upton of Concord, House Bill No. 154, An act relating to the admissibility of evidence. To the Committee on Judiciary.

By Mr. Upton of Concord, House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons. To the Committee on Judiciary.

By Mr. Upton of Concord, House Bill No. 156, An act relating to the Water Resources Board. To the Committee on Judiciary.

By Mr. Prince of Manchester, House Bill No. 157, An act relative to method of inflicting the death penalty. To the Committee on Revision of the Statutes.

By Mr. Collins of Lisbon, House Bill No. 158, An act relating to Smoking on the White Mountain National Forest. To the Committee on Forestry and Recreation.

By Mr. St. Francois of Nashua, House Bill No. 159, An act relating to the City of Nashua. To the Committee on Judiciary.

By Mr. Duncan of Jaffrey, House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns. To the Committee on Transportation.

By Mr. Myhaver of Peterborough, House Bill No. 161, An act to provide for reciprocal privileges in the operation of motor vehicles. To the Committee on Ways and Means.

By Mr. Pennell of Exeter, House Bill No. 162, An act relating to the claim of father and mother to the

wages and salary of minors. To the Committee on Revision of the Statutes.

By Mr. Pennell of Exeter, House Bill No. 163, An act relating to the powers and rights of guardians and conservators. To the Committee on Revision of the Statutes.

By Mr. Berthiaume of Derry, House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc. To the Committee on Public Health.

By Mr. Tuttle of Atkinson, House Bill No. 165, An act relative to labelling commercial feeding-stuffs, for farm live stock. To the Committee on Agriculture.

By Mr. Barton of Lempster, House Bill No. 166, An act relative to state aid for school districts. To the Committee on Education.

By Mr. Blandin of Bath, House Bill No. 167, An act relative to stock grazing in burial places. To the Committee on Revision of the Statutes.

By Mr. Moore of Bradford, House Bill No. 168, An act relative to the road from Bradford to Henniker. To the Committee on Public Improvements.

By Mr. Moore of Bradford, House Bill No. 169, An act relative to the open season on rabbits. To the Committee on Fisheries and Game.

By Mr. Moore of Bradford, House Bill No. 170, An act opening Massasecum Lake in Bradford to ice fishing. To the Committee on Fisheries and Game.

By Mr. Tilton of Laconia, Ward 4, House Bill No. 171, An act relative to the teachers' retirement system. To the Committee on Education.

By Mr. Boynton of Hillsborough, House Bill No. 172, An act relative to office hours for state employees. To the Committee on Revision of the Statutes.

By Mr. Mayo of Concord, House Bill No. 173, An act in relation to licensing painters. To the Committee on Judiciary.

By Mr. Carrier of Nashua, House Bill No. 174, An act relating to the length of motor vehicles. To the Committee on Transportation.

By Mr. Osborne of Sunapee, House Bill No. 175, An act relative to taking black bass from Sunapee Lake. To the Committee on Fisheries and Game.

By Mr. Reynolds of Greenfield, House Bill No. 176, An act opening Zephyr Lake in the Town of Greenfield to ice fishing. To the Committee on Fisheries and Game.

By Mr. Reynolds of Greenfield, House Bill No. 177, An act opening Sunset Lake in the Town of Greenfield to ice fishing. To the Committee on Fisheries and Game.

By Mr. Osborne of Concord, Ward 6, House Bill No. 178, An act relative to state and state aid highways and trunk lines. To the Committee on Public Improvements.

By Mr. Osborne of Concord, Ward 6, House Bill No. 179, An act relative to the protection of state and other highways. To the Committee on Public Improvements.

By Mr. Osborne of Concord, Ward 6, House Bill No. 180, An act relative to the protection of state and other highways. To the Committee on Public Improvements.

By Mr. Osborne of Concord, Ward 6, House Bill No. 181, An act relative to encroachments on highways. To the Committee on Public Improvements.

By Mr. Osborne of Concord, Ward 6, House Bill No. 182, An act relating to accident and health insurance policies. To the Committee on Insurance.

By Mr. Mayo of Concord, House Bill No. 183, An act relating to private employment agencies. To the Committee on Revision of the Statutes.

By Mr. Mayo of Concord, House Bill No. 184, An



act relating to construction and repair of state buildings. To the Committee on Judiciary.

By Mr. Bunten of Concord, House Bill No. 185, An act relative to the purchase of milk for resale or manufacture. To the Committee on Agriculture.

By Mr. Ramsey of Berlin, House Bill No. 186, An act relating to poll taxes. To the Committee on Ways and Means.

By Mr. Dupont of Pembroke, House Bill No. 187, An act relating to claims and liens against estates. To the Committee on Revision of the Statutes.

By Mr. Mark of Plainfield, House Bill No. 188, An act limiting the number of beverage licenses. To the Committee on Liquor Laws.

By Mr. Gage of Manchester, House Bill No. 189, An act relating to the issuance of off-sale permits to grocery stores opened for business on Sunday. To the Committee on Liquor Laws.

By Mr. LaCroix of Manchester, House Bill No. 190, An act relating to the legalizing of the game of Bingo or Beano, so-called. To the Committee on Ways and Means.

By Mr. LaCroix of Manchester, House Bill No. 191, An act relative to fee for fishing license for women. To the Committee on Fisheries and Game.

By Mr. Thibodeau of Wolfeboro, House Bill No. 192, An act to separate the local option vote of "off-sale" and "on sale" beverage permits. To the Committee on Liquor Laws.

By Mr. Wadleigh of Milford, House Bill No. 193, An act relating to the taxation of income received or accumulated by non-resident trustees. To the Committee on Ways and Means.

By Mr. Matson of Concord, House Bill No. 194, An act creating a retirement system for policemen. To the Committee on Judiciary.

By Mr. Chase of Manchester, House Bill No. 195,

An act providing for salary increases for certain state officials. To the Committee on Appropriations.

By Mr. Pynn of Meredith, House Bill No. 196, An act relative to reports by unemployed persons. To the Committee on Revision of the Statutes.

By Mrs. Otis of Concord, House Bill No. 197, An act to regulate the sale or service of milk and cream in public eating and drinking places in towns and cities with a population in excess of 3000 inhabitants. To the Committee on Public Health.

By Mr. Butler of Lebanon, House Bill No. 198, An act relating to the form for applications for motor vehicle registration and operators' licenses. To the Committee on Revision of the Statutes.

By Mr. Burby of Lebanon, House Bill No. 199, An act relating to the expiration date of beverage permits. To the Committee on Liquor Laws.

By Mr. Anderson of Manchester, House Bill No. 200, An act relative to the sale of liquor and beverages at places of entertainment. To the Committee on Liquor Laws.

By Mr. Chase of Manchester, House Bill No. 201, An act to change the name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester. To the Committee on Revision of the Statutes.

By Mr. Chase of Manchester, House Bill No. 202, An act to open Gorham Pond in Dunbarton to ice fishing. To the Committee on Fisheries and Game.

By Mr. Barry of Manchester, House Bill No. 203, An act relating to the sale and manufacture of cider. To the Committee on Liquor Laws.

By Mr. Noyes of Bethlehem, House Bill No. 204, An act relating to subrogation under Workmen's Compensation Law. To the Committee on Revision of the Statutes.

By Mr. Wiggin of Manchester, House Bill No. 205, An act to amend the charter of the city of Manchester. To the Committee on Judiciary.

By Mr. Holmes of Raymond, House Bill No. 206, An act relating to the sale of beverages on election days after the polls are closed. To the Committee on Liquor Laws.

By Mr. Tuttle of Atkinson, House Bill No. 207, An act prohibiting the sale of brands of liquor and beverages advertised over the radio. To the Committee on Liquor Laws.

By Mr. Whitcomb of Littleton, House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles. To the Committee on Transportation.

By Mr. Coakley of Concord, House Bill No. 209, An act relative to the powers of the state liquor commission. To the Committee on Liquor Laws.

By Mr. Wiggin of Manchester, House Bill No. 210, An act relative to the disqualification of special justices of municipal courts. To the Committee on Judiciary.

By Mr. Hayes of Dover, House Bill No. 211, An act relative to guaranty agreements provided in case of the sale of lightning rods. To the Committee on Insurance.

By Mr. Velishka of Nashua, House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver. To the Committee on Revision of the Statutes.

By Mr. Jean of Manchester, House Bill No. 213, An act relating to the recording of conditional sales memoranda. To the Committee on Revision of the Statutes.

By Mr. Stewart of Manchester, House Bill No. 214, An act relating to the rules and regulations of the liquor and beverage laws. To the Committee on Liquor Laws.

By Mr. Lesmerises of Manchester, House Bill No. 215, An act relating to electrical rates charged by utilities. To the Committee on Judiciary.



By Mr. Lesmerises of Manchester, House Bill No. 216, An act limiting the rate of interest chargeable by finance companies. To the Committee on Revision of the Statutes.

By Mr. Simpson of Bartlett, House Bill No. 217, An act relating to the conservation of soil and forest resources, and the prevention and control of soil erosion. To the Committee on Agriculture.

By Mrs. Cooper of Nashua, House Bill No. 218, An act relative to the clerk of the House of Representatives. To the Committee on Appropriations.

By Mr. Gile of Hanover, House Bill No. 219, An act relating to the use of commercial motor vehicles. To the Committee on Transportation.

By Mr. Morrill of Hudson, House Bill 220, An act relating to bait and fly fishing. To the Committee on Fisheries and Game.

By Mr. McNeil of Portsmouth, House Bill No. 221, An act relating to the filing of reports on estates by executors and trustees. To the Committee on Revision of the Statutes.

By Mr. Tilton of Laconia, Ward 4, House Bill No. 222, An act authorizing applications to the court of probate by fiduciaries or beneficiaries of trust funds. To the Committee on Revision of the Statutes.

By Mr. Tilton of Laconia, Ward 4, House Bill No. 223, An act relating to investments by fiduciaries. To the Committee on Revision of the Statutes.

By Mr. Lemieux of Berlin, House Bill No. 224, An act relating to the taking of hares and rabbits in Coos County. To the Committee on Fisheries and Game.

By Mr. Callahan of Keene, House Bill No. 225, An act relating to hours of labor for nurses. To the Committee on Labor.

By Mr. Connor of Sutton, House Bill No. 226, An act suggesting a chemical test as evidence of intoxication

in motor vehicle accidents: To the Committee on Revision of the Statutes.

By Mr. Velishka of Nashua, House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties, and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income. To the Committee on Judiciary.

By Mr. Jackson of Dover, House Bill No. 228, An act for the benefit of clubs affiliated with national organizations. To the Committee on Liquor Laws.

By Mr. Nelson of Hopkinton, House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes. To the Committee on Judiciary.

By Mr. Comi of Concord, House Bill No. 230, An act relating to Labor Day. To the Committee on Revision of the Statutes.

By Mr. Comi of Concord, House Bill No. 231, An act to establish an apprenticeship council within the bureau of labor; to define the powers and duties of said council. To the Committee on Labor.

By Mr. Comi of Concord, House Bill No. 232, An act relating to industrial homework. To the Committee on Labor.

By Mr. Comi of Concord, House Bill No. 233, An act relating to the incompatibility of certain offices. To the Committee on Judiciary.

By Mr. Comi of Concord, House Bill No. 234, An act relating to transfer of licenses for fur-buyers. To the Committee on Fisheries and Game.

By Mr. Sweeney of Nashua, Ward 2, House Bill No. 235, An act relating to coasting ordinances for the city of Nashua. To the Committee on Judiciary.

On motion of Mr. Sweeney of Nashua, Ward 2, the rules were suspended, the printing and reference of

House Bill No. 235, An act relating to coasting ordinances for the city of Nashua was dispensed with.

Mr. Sweeney moved that the rules of the House be further suspended, that the bill be put upon its third reading and final passage at the present time.

The question being on the motion.

(Discussion ensued)

Mr. Sweeney spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

By Mrs. Christiansen of Berlin, House Bill No. 236, An act relating to the time for the payment of additional fees for the sale of beverages. To the Committee on Liquor Laws.

By Mr. Whitcomb of Littleton, House Bill No. 237, An act relating to the assessment of poll taxes. To the Committee on Ways and Means.

By Mr. Gile of Hanover, House Bill No. 238, An act relating to ice fishing. To the Committee on Fisheries and Game.

By Mr. Sanborn of Chichester, House Bill No. 239, An act requiring proof of security after a motor vehicle accident. To the Committee on Insurance.

By Mr. Bass of Peterborough, House Bill No. 240, An act relating to the counting of ballots. To the Committee on Judiciary.

By Mr. Gale of Hanover, House Bill No. 241, An act relating to actions of guests to recover compensation for damages in motor vehicle accidents. To the Committee on Insurance.

By Mr. Carter of Merrimack, House Bill No. 242, An act relating to the taxation of personal property. To the Committee on Ways and Means.

By Mr. Wiggin of Manchester, House Bill No. 243,



An act relative to abatement of taxes. To the Committee on Judiciary.

By Mr. Shea of Nashua, House Bill No. 244, An act relating to the predetermination by the Commissioner of Labor of the minimum wages of employees in public works. To the Committee on Labor.

By Mr. Shea of Nashua, House Bill No. 245, An act relating to labor and industry. To the Committee on Labor.

By Mr. Mayo of Concord, House Bill No. 246, An act enlarging the powers of the barbers' examining and licensing board relative to price of hour fixing and approval of barber schools. To the Committee on Public Health.

By Mr. St. Francois of Nashua, House Bill No. 247, An act to establish a state labor relations board to promote industrial peace. To the Committee on Labor.

By Mr. St. Francois of Nashua, House Bill No. 248, An act relating to minimum wage and maximum hour standards. To the Committee on Labor.

By Mr. Gile of Hanover, House Bill No. 249, An act relating to the taking of hares and rabbits. To the Committee on Fisheries and Game.

By Mr. Bartlett of Goffstown, House Bill No. 250, An act relating to first aid equipment in schools. To the Committee on Education.

By Mr. Smart of Durham, House Bill No. 251, An act relating to the state board of accountancy. To the Committee on Judiciary.

By Mr. Higley of Acworth, House Joint Resolution No. 16, Joint resolution providing for improvement of the Crescent Lake road in the town of Acworth. To the Committee on Public Improvements.

By Mr. Kenney of Loudon, House Joint Resolution No. 17, Joint resolution providing for the completion of the construction of the Old Stage Coach road in

the town of Loudon. To the Committee on Public Improvements.

By Mr. Foote of Seabrook, House Joint Resolution No. 18, Joint resolution relating to a swimming pool in the town of Seabrook. To the Committee on Forestry and Recreation.

By Mr. Matson of Concord, House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie. To the Committee on Claims.

By Mr. Knox of Sandwich, House Joint Resolution No. 20, Joint resolution providing for the improvement of the Squam Lake road in the town of Sandwich. To the Committee on Public Improvements.

By Mr. Rollins of Alexandria, House Joint Resolution No. 21, Joint resolution relative to dredging a river in the town of Alexandria. To the Committee on Public Improvements.

By Mr. Neal of Meredith, House Joint Resolution No. 22, Joint resolution making an appropriation for a vegetable greenhouse at the Laconia State School. To the Committee on Laconia State School.

By Mr. Leighton of Dover, House Joint Resolution No. 23, Joint resolution for the improvement of the Black River road, so called, in the city of Dover. To the Committee on Public Improvements.

By Mr. Weeks of Stewartstown, House Joint Resolution No. 24, Joint resolution for the improvement of Little Diamond pond road in the town of Stewartstown. To the Committee on Public Improvements.

By Mr. Fraser of Gorham, House Joint Resolution No. 25, Joint resolution relative to the Lead Mine bridge in the town of Gorham. To the Committee on Public Improvements.

By Mr. Condon of Newport, House Joint Resolution No. 26, Joint resolution for the Old Cornish Turnpike in the towns of Newport, Claremont and Cornish. To the Committee on Public Improvements.

By Mr. Osborne of Concord, House Joint Resolution No. 27, Joint resolution in favor of Oliver Hadley. To the Committee on Claims.

By Mr. Bailey of Lyme, House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin. To the Committee on Claims.

By Mr. Callahan of Keene, House Joint Resolution No. 29, Joint resolution relating to bomb proof shelters. To the Committee on Military Affairs.

By Mr. Chandler of Gorham, House Joint Resolution No. 30, Joint resolution in favor of Mount Washington Observatory. To the Committee on Appropriations.

By Mr. Booth of Manchester, House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, Justice of the Municipal Court of Manchester. To the Committee on Appropriations.

By Mr. Philbrick of Springfield, House Joint Resolution No. 32, Joint resolution for the completion of the main road from West Springfield to New London. To the Committee on Public Improvements.

By Mr. St. Francois of Nashua, House Joint Resolution No. 33, Joint resolution relating to the regulation of ski traffic. To the Committee on Appropriations.

By Mr. Neal of Meredith, House Joint Resolution No. 34, Joint resolution relating to the Oak Hill and Pease roads, so-called in the town of Meredith. To the Committee on Public Improvements.

Mr. Hunter of Hanover in the Chair

By Mr. LeBlanc of Nashua, House Bill No. 252, An act relating to the game of Beano in Nashua. To the Committee on Judiciary.

By Mr. Frissell of Keene, House Bill No. 253, An act to amend the charter of the city of Keene. To the Committee on Judiciary.

By Mr. Clarke of Canaan, House Bill No. 254, An



act relating to the American Flag. To the Committee on Judiciary.

By Mr. Frissell of Keene, House Bill No. 255, An act relating to the opening of the polls. To the Committee on Judiciary.

By Mr. Maxwell of Henniker, House Bill No. 256, An act relating to the taking of raccoon. To the Committee on Fisheries and Game.

By Mr. Redden of Portsmouth, House Bill No. 257, An act providing for the registration of architects. To the Committee on Judiciary.

### **Recess**

### **After Recess**

Mr. Wadleigh of Milford in the Chair:

### **Resolution**

Mr. Myhaver of Peterborough offered the following resolution:

*Resolved*, That whereby House Bill No. 161, An act to provide for reciprocal privileges in the operation of motor vehicles was referred to the Committee on Ways and Means by vacated and the bill be referred to the Committee on Transportation.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### **Introduction of Bills Resumed**

By Mr. Clarke of Canaan, House Bill No. 258, An act relating to small claims. To the Committee on Revision of the Statutes.

By Mr. Gage of Manchester, House Bill No. 259,

An act for the adoption of a state anthem. To the Committee on Judiciary.

By Mr. Philbrick of Springfield, House Bill No. 260, An act relating to licenses of kennels. To the Committee on Fisheries and Game.

By Mr. Lievens of Hollis, House Bill No. 261, An act relative to terms to be used in advertising and sale of applies in other than closed packages. To the Committee on Agriculture.

Mr. Hunter of Hanover in the Chair

By Mr. Osborne of Concord, House Bill No. 262, An act relating to the practice of dentistry. To the Committee on Public Health.

By Mr. Hurley of Lebanon, House Bill No. 263, An act relating to the taking of hares and rabbits. To the Committee on Fisheries and Game.

By Mr. St. Francois of Nashua, House Bill No. 264, An act relating to the marking of ballots. To the Committee on Judiciary.

By Mr. Frissell of Keene, House Bill No. 265, An act relating to mayor and council form of city government. To the Committee on Judiciary.

By Mr. Nelson of Winchester, House Bill No. 266, An act relative to spruce grouse and chuker partridge. To the Committee on Fisheries and Game.

By Mr. Sayers of Keene, House Bill No. 267, An act relating to the sales and use of fireworks. To the Committee on Judiciary.

By Mr. Potter of Concord, House Bill No. 268, An act relating to the mayor of the city of Concord. To the Committee on Judiciary.

By Mr. Betley of Manchester, House Bill No. 269, An act relating to the revocation or suspension of licenses to sell liquor. To the Committee on Liquor Laws.

By Mr. Cryan of Lancaster, House Bill No. 270, An

act relative to licenses for non-resident fur-buyers. To the Committee on Fisheries and Game.

By Mr. Fletcher of Concord, House Bill No. 271, An act relating to sewerage systems. To the Committee on Revision of the Statutes.

By Mr. Phelps of Andover, House Bill No. 272, An act providing for the changing of a class 2B highway to a class V highway. To the Committee on Public Improvements.

By Mr. Coakley of Concord, House Bill No. 273, An act relating to the indorsements of notes. To the Committee on Judiciary.

By Mr. Ashe of Northumberland, House Bill No. 274, An act relative to taking brook trout in ponds and lakes in Coos County. To the Committee on Fisheries and Game.

By Mr. Gile of Hanover, House Bill No. 275, An act providing for special licenses for first class hotels. To the Committee on Liquor Laws.

By Mr. Adams of Lincoln, House Bill No. 276, An act relating to the assessment of standing wood and timber. To the Committee on Ways and Means.

By Mr. Adams of Lincoln, House Bill No. 277, An act to create district forest advisory boards. To the Committee on Forestry and Recreation.

### Recess

### After Recess

Mr. Duncan of Jaffrey in Chair.

By Mr. Velishka of Nashua, House Bill No. 278, An act relating to the practice of dentistry. To the Committee on Public Health.

By Mr. Donnelly of Manchester, House Bill No. 279, An act relative to ward lines in the city of Manchester. To the Committee on Judiciary.

By Mr. Donnelly of Manchester, Ward 8, House Bill



No. 280, An act relative to Lafayette Day. To the Committee on Revision of the Statutes.

By Mr. Foote of Seabrook, House Bill No. 281, An act prohibiting the possession of firearms by aliens. To the Committee on Revision of the Statutes.

By Mr. Nelson of Winchester, House Bill No. 282, An act prohibiting the jacking of wild birds and wild animals. To the Committee on Fisheries and Game.

By Mr. Wiggin of Manchester, House Bill No. 283, An act relative to accounts of administrators and executors. To the Committee on Judiciary.

By Mr. Morrison of Derry, House Bill No. 284, An act relative to workmen's compensation. To the Committee on Labor.

By Mrs. Dondero of Portsmouth, House Bill No. 285, An act relative to sessions for registrars of voters in the city of Portsmouth. To the Committee on Judiciary.

By Mr. Reynolds of Greenfield, House Bill No. 286, An act relative to grading of eggs. To the Committee on Agriculture.

By Mr. Condon of Newport, House Bill No. 287, An act to regulate outdoor advertising in rural and residential areas. To the Committee on Judiciary.

By Mr. St. Francois of Nashua, House Bill No. 288, An act relating to county commissioners in Hillsborough county. To the Committee on Judiciary.

By Mr. Gile of Lebanon, House Bill No. 289, An act relating to bribery and corruption. To the Committee on Revision of the Statutes.

By Mr. Lievens of Hollis, House Bill No. 290, An act relative to licensing of auctioneers. To the Committee on Judiciary.

By Mr. St. Francois of Nashua, House Bill No. 291, An act relating to the financial responsibility of ski tow operators. To the Committee on Judiciary.

By Mr. Moore of Alstead, House Bill No. 292, An act

relating to the taking of hares and rabbits. To the Committee on Fisheries and Game.

By Mr. Tuttle of Atkinson, House Bill No. 293, An act to prevent increased valuation of property. To the Committee on Ways and Means.

By Mr. Matson of Concord, House Bill No. 294, An act relating to the age limit of drivers of automobiles. To the Committee on Revision of the Statutes.

By Mr. Connolly of Manchester, House Bill No. 295, An act relating to rights and qualifications of voters. To the Committee on Judiciary.

By Mr. Gile of Lebanon, House Bill No. 296, An act relating to rights of utilities and consumers. To the Committee on Revision of the Statutes.

By Mr. Conway of Manchester, House Bill No. 297, An act relating to primary elections and nomination of candidates. To the Committee on Judiciary.

By Mr. Gile of Lebanon, House Bill No. 298, An act relating to a dam in disrepair. To the Committee on Labor.

By Mr. Seymour of Carroll, House Bill No. 299, An act relating to unemployment compensation. To the Committee on Labor.

By Mr. O'Connell of Manchester, House Bill No. 300, An act relating to liability of towns. To the Committee on Revision of the Statutes.

By Mr. Foote of Seabrook, House Bill No. 301, An act relating to a standard weight per gallon of shucked clams. To the Committee on Public Health.

By Mr. Simpson of Bartlett, House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity. To the Committee on Fisheries and Game.

By Mr. Velishka of Nashua, House Bill No. 303, An act relating to the practice of optometry. To the Committee on Revision of the Statutes.

By Mr. Gay of Hillsborough, House Bill No. 304,

An act relating to damage to automobiles by deer. To the Committee on Fisheries and Game.

By Mr. Longley of Milton, House Bill No. 305, An act relating to proof of financial responsibility by owners and operators of motor vehicles. To the Committee on Insurance.

By Mrs. Brungot of Berlin, House Bill No. 306, An act establishing a board of directors in connection with financial responsibility in automobile accidents. To the Committee on Insurance.

By Mr. Lievens of Hollis, House Bill No. 307, An act relating to the grading, marking and branding of apples. To the Committee on Agriculture.

By Mr. Myhaver of Peterborough, House Bill No. 308, An act relating to motor vehicles carrying passengers for hire. To the Committee on Revision of the Statutes.

By Mrs. Dondero of Portsmouth, House Bill No. 309, An act relating to public inspection of records of city governments. To the Committee on Judiciary.

By Mr. Brennan of Westmoreland, House Bill No. 310, An act relative to the form of the ballot for general elections. To the Committee on Judiciary.

By Mr. Velishka of Nashua, House Bill No. 311, An act fixing the amount of old age assistance grants. To the Committee on Judiciary.

By Mr. Hayes of Tuftonboro, House Bill No. 312, An act relating to persons handling food for sale in public eating places. To the Committee on Public Health.

By Mr. Plourde of Nashua, House Bill No. 313, An act relating to salaries of associate justices. To the Committee on Judiciary.

By Mrs. Dondero of Portsmouth, House Bill No. 314, An act relating to exemption of members of the Legislature from paying bridge toll. To the Committee on Judiciary.



By Mr. Carroll of Manchester, House Bill No. 315, An act relating to old age assistance. To the Committee on Judiciary.

By Mr. Booth of Manchester, House Bill No. 316, An act relating to boxing and wrestling. To the Committee on Ways and Means.

By Mr. Moore of Bradford, House Joint Resolution No. 35, Joint Resolution relative to a bridge on the road from Bradford to Henniker. To the Committee on Public Improvements.

By Dr. Nash of Concord, House Joint Resolution No. 36, Joint Resolution in favor of Victor J. Martin. To the Committee on Claims.

By Mrs. Mason of Berlin, House Joint Resolution No. 37, Joint Resolution in favor of John B. Eames. To the Committee on Claims.

By Mr. Fogg of Deerfield, House Joint Resolution No. 38, Joint Resolution for the improvement of a road in Deerfield. To the Committee on Public Improvements.

By Mr. Berry of Strafford, House Joint Resolution No. 39, Joint Resolution for the construction of the Parker Mountain Road, so-called, in the town of Strafford. To the Committee on Public Improvements.

By Mr. Aldrich of Keene, House Joint Resolution No. 40, Joint Resolution in favor of J. Earl Davis. To the Committee on Claims.

By Mr. Duncan of Jaffrey, House Joint Resolution No. 41, Joint Resolution in favor of Lewis W. Fluer. To the Committee on Claims.

By Mr. Collins of Lisbon, House Joint Resolution No. 42, Joint Resolution for a memorial to Major Benjamin Whitcomb. To the Committee on Appropriations.

By Mr. Webster of Farmington, House Joint Resolution No. 43, Joint Resolution in favor of Herman J. Pike. To the Committee on Claims.

By Mr. Gay of Hillsborough, House Joint Resolution No. 44, Joint Resolution for the Improvement of the road from Deering town line to South Weare village. To the Committee on Public Improvements.

By Mr. Callahan of Keene, House Joint Resolution No. 45, Joint Resolution in favor of Fred Bergeron of Keene. To the Committee on Claims.

By Mr. Fecteau of Epping, House Joint Resolution No. 46, Joint Resolution for the improvement of the road from West Epping to Fremont town line. To the Committee on Public Improvements.

### Communications

The following telegram was read by the Clerk:

Mr. Charles H. Barnard, Speaker.

Please convey my deep appreciation to House for its generous tribute.

ALBERT S. BAKER,  
*Major 197th Ca.*

The following letter was read by the Clerk:

Mr. Charles H. Barnard, Speaker

*Dear Mr. Speaker:*

I wish to express my deep appreciation for the letter of condolence and flowers which the members of the House were good enough to send me on the sorrowful occasion of my mother's death. The sentiments expressed in the message were very fine, indeed, and helped me carry the cross of bereavement.

Very truly yours,  
ARTHUR THIBODEAU.

On motion of Mr. Comi of Concord the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

**Afternoon**

On motion of Mr. Hamlin of Charlestown at 7:35 o'clock the House adjourned.

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WEDNESDAY, JANUARY 22, 1941.

The House met according to adjournment.  
Prayer was offered by the Chaplain.

**Leaves of Absence**

Mr. Hamilton of Lisbon was granted leave of absence for Thursday on account of important business.

Messrs. Clark of Canaan and Higley of Acworth were granted leaves of absence for Wednesday and Thursday on account of illness.

Messrs. Longley of Milton, Woodman of Sanborn-ton, Evans of Berlin, Shaheen of Dover, Jewell of Stratham and Paquette of Nashua were granted leaves of absence for the week on account of illness.

**Communication**

The following letter was read by the Clerk:

January 22, 1941.

Mr. Fred T. Wadleigh  
Milford, N. H.

*Dear Sir:*

As I shall be unable to attend the session today, on account of legislative business in Washington, will you kindly preside for me, and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*



### Committee Report

The committee on Engrossed Bills reported that they had examined and found correctly engrossed the following entitled joint resolution:

House Joint Resolution No. 1, Joint resolution in favor of Guy S. Neal and others.

The report was accepted.

### Resolutions

On motion of Mr. Chase of Manchester,

*Whereas*, We have with deep regret learned of the death of George H. Wiggin, father of our colleagues, J. Walker Wiggin, of Manchester, and Ralph M. Wiggin of Bedford, therefore

*Be it Resolved*, That we, the members of the House of Representatives, extend our heartfelt sympathy to our fellow members in their bereavement, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to them.

JOEL S. DANIELS, Sr.,  
STODDARD B. E. CHASE,  
EDWARD T. KNOWLTON,  
ARTHUR J. JEAN,  
FRED T. WADLEIGH,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Durette of Manchester,

*Whereas*, The House of Representatives having learned with sorrow of the death of Roger Glaude, nephew of Arthur Thibodeau, member from Manchester, therefore

*Be it Resolved*, That the House extends its sympathy to the bereaved family, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to them.

J. CHARLES DURETTE,  
HECTOR ROUSSEAU,  
ADOLPHE DUVAL,  
JOSEPH P. AUBIN,  
BERNADETTE A. CHAROIS,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

#### **Message from the Senate**

A message from the Honorable Senate by its clerk announced that the Senate had voted to recall from the Governor for further consideration House Bill No. 51, An act establishing the Laconia Airport Authority.

Mr. O'Connell of Manchester in Chair.

On motion of Mr. Connelly of Manchester at 11:15 o'clock the House adjourned.

#### **Afternoon**

Mrs. Cooper of Nashua in the Chair.

#### **Resolution**

On motion of Mr. Young of Wakefield.

*Whereas*, Today, January 22, 1941, is the birthday of Ansel N. Sanborn of Wakefield, Honorable Councilor from the Second District, former State Senator and former Speaker of the House of Representatives, therefore be it

*Resolved*, That the members of the House of Representatives, where he served with distinction for several sessions, extend to him their very best wishes for a Happy Birthday, and be it further

*Resolved*, That the Clerk be instructed to transmit to Councilor Sanborn a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

Mr. Cilley of Exeter moved that when the House adjourn today it adjourn in honor of Councilor Sanborn.

On a *viva voce* vote the motion prevailed.

On motion of Mrs. Mason of Berlin at 3:05 o'clock the House adjourned.

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THURSDAY, JANUARY 23, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Communication**

January 23, 1941.

Mr. Fred T. Wadleigh,  
Milford, N. H.

*Dear Sir:*

As I shall be unable to attend the session today, on account of legislative business in Washington, will you kindly preside for me, and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

**Resolutions**

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

On motion of Mrs. Otis of Concord.

*Whereas* today, January 23, 1941, is the birthday of



Ruth M. Rounds, Representative from Hill, therefore be it

*Resolved*, That the members of the House of Representatives extend to their fellow member their best wishes for a Happy Birthday, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Mrs. Rounds.

Mrs. Otis of Concord on behalf of the members of the House presented Mrs. Rounds with a bouquet.

On motion of Mr. Emerson of Dalton.

*Resolved*, That all members sign the Mileage Register in the Sergeant-at-Arms room once a week in order to receive mileage allowance.

On motion of Mr. Callahan of Keene.

*Be It Resolved*, That the use of Representatives' Hall be granted to the New Hampshire Department of the Grand Army of the Republic for their annual camp fire on Thursday evening, April 10th.

On motion of Mr. Smart of Durham.

*Resolved*, That the use of Representatives' Hall be granted to the New Hampshire Municipal League for a meeting on Monday, February 17, at 2:30 P. M.

### Leaves of Absence

Mr. Philbrick of Belmont was granted leave of absence for the day on account of illness.

Mr. Mercier of Claremont was granted leave of absence for the day on account of important business.

Mr. Carter of Merrimack was granted leave of absence for the day on account of illness.

### Committee Reports

Mr. Hunter of Hanover for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 317, An act to provide for the publication and distribution of the revised laws

of the state of New Hampshire with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Blandin of Bath for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No 318, An act establishing the State Liquor Control Commission, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 319, An act relating to the development of aeronautics, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Wiggin of Manchester for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 320, An act relating to the office of attorney-general, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Simpson of Bartlett for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles, with the recommendation that

the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

### Resolution

Mr. Hayes of Rochester in the Chair.

On motion of Mr. Durette of Manchester.

*Whereas*, This House has learned with sorrow of the death of the mother of Arthur Thibodeau, a member of this House of Representatives from Manchester, therefore be it

*Resolved*, That we wish to extend our heartfelt sympathy to our fellow member in his bereavement and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to our bereaved fellow member.

HECTOR ROUSSEAU,  
CHARLES E. DANIEL,  
ROLAND M. TURGEON,  
JOSEPH P. AUBIN,  
MEDORA GILMARTIN,

*Committee.*

The resolution was unanimously adopted by a rising vote.

On motion of Mrs. Robinson of Hinsdale at 11:15 o'clock the House adjourned.

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SATURDAY, JANUARY 25, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:



Saturday, January 25, 1941.

Mr. Albion Parkhurst,  
Columbia, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

On motion of Mr. Matson of Concord, the House adjourned.

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TUESDAY, JANUARY 28, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Edwards of Bennington, Philbrick of Belmont, Boynton of Hillsborough, Stuart of Wilmot, and Sweeney of Nashua, Ward 2, were granted leaves of absence for the week on account of illness.

Messrs. Jewell of Stratham, Palmer of Plaistow, and Lord of Guilford, were granted leaves of absence for the day on account of illness.

Mr. Goodale of Exeter was granted leave of absence for Wednesday on account of attending a funeral.

#### Petitions Presented and Referred

By Mr. Gile of Lebanon. Petition from residents of Mahans Flat area of Lebanon, urging passage of House Bill No. 298, An act relating to a dam in disrepair.

By Mr. Gile of Lebanon. Petition from firms and

persons doing business adjacent to the Mascoma river, urging passage of House Bill No. 298, An act relating to a dam in disrepair.

Presented and referred to the Committee on Labor.

### Committee Reports

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 2, Joint resolution in favor of Millard Kidder, reported the same with the following amendment, and the recommendation that the Joint Resolution as amended ought to pass.

Amend said joint resolution by striking out in the first line the words "three thousand" and inserting in place thereof the words, five hundred, so that the joint resolution as amended shall read as follows:

That the sum of five hundred dollars be and hereby is allowed and appropriated to compensate Millard Kidder, of Lebanon, for injuries suffered by him while working for the state highway department on a sand bank in West Lebanon, in said Lebanon, on February 15, 1939. The sum hereby allowed and appropriated shall be in addition to the compensation heretofore allowed said Millard Kidder from the highway department as workmen's compensation for said injuries and shall be a charge upon the highway funds, and shall be in full settlement of the above claim.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Wiggin of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 20, An act relative to the oath to be taken by absentee voters, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bass of Peterborough, for the Committee on Judiciary, to whom was referred House Bill No. 56, An act legalizing the November, 1940, election in the town of Brentwood, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 58, An act legalizing the biennial election of November, 1940, in the town of Derry, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Senate Message

A message from the Honorable Senate by its Clerk stated that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 3, in new draft, An act relating to investment of trust funds of towns.

Senate Bill No. 4, An act relative to duties of town clerks and supervisors of the checklists.

### Senate Bills Read and Referred

Senate Bill No. 3, (in new draft) An act relating to investment of trust funds of towns.

Senate Bill No. 4, An act relative to duties of town clerks and supervisors of the checklists.

Read a first and second time, and referred to the Committee on Judiciary.

### Resolution

On motion of Mr. Daniels of Manchester, Ward 1,  
*Whereas*, the House has learned with sorrow of the death of Arthur W. Chase, father of Representative



Stoddard B. E. Chase of Manchester, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Daniels, Gage, Knowlton, Wiggin and Anderson of Manchester.

### Committee Appointments

The Speaker announced the following changes in committees:

Mr. Gage of Manchester, to the Committee on State Hospital.

Messrs. Gay of Hillsborough and Roucher of Laconia, to the Committee on Liquor Laws.

Mr. Robbins of Fremont, to the Committee on National Affairs.

### Resignation

The following resignation was announced by the Speaker:

Mr. Hobbs of North Hampton, from the Committee on National Affairs.

### Committee Report

Mr. Hunter of Hanover reported that the Co-ordinating Committee recommended that bills be referred to local delegations, upon request, vacating the order of reference to a standing committee. The committee gave notice that this in no wise abrogated the right of the committee to recommend to the House the commitment of any bills to a standing committee, upon the report of the local delegation, when in their opinion the general public interest was involved.

They further recommended that House Bill No. 1 be left with the Judiciary Committee, the House having

already voted not to vacate the reference to a standing committee.

The report was accepted.

### Unfinished Business

Mr. St. Francois of Nashua called for unfinished business.

House Bill No. 50, An act relating to nominations of officers of Nashua.

The question being on the motion of Mr. St. Francois, that the order whereby the bill was referred to the Committee on Judiciary be vacated, and the bill be referred to a special committee consisting of the delegation from the city of Nashua.

On a *viva voce* vote the motion prevailed.

### Orders Vacated

Mr. St. Francois of Nashua moved that the order whereby House Bill No. 159, An act relating to the city of Nashua was referred to the Committee on Judiciary be vacated, and the rules be suspended, and the bill be referred to a special committee, consisting of the delegation from the city of Nashua.

On a *viva voce* vote the motion prevailed.

Mr. Seymour of Carroll moved that the order whereby House Bill No. 97, An act providing for a fiscal agent for the county of Coos was referred to the Committee on Judiciary be vacated, and the rules be suspended, and the bill be referred to a special committee consisting of the delegation from the county of Coos.

On a *viva voce* vote the motion prevailed.

Mr. Booth of Manchester moved that the order whereby House Bill No. 288, An act relating to county commissioners in Hillsborough County was referred to the Committee on Judiciary be vacated, and the

rules be suspended, and the bill be referred to a special committee consisting of the delegation from the county of Hillsborough.

On a *viva voce* vote the motion prevailed.

On motion of Miss Spollett of Hampstead at 11:30 o'clock the House adjourned.

### Afternoon

The House met at 3:00 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles were made in order.

House Bill No. 20, An act relative to the oath to be taken by absentee voters.

House Bill No. 56, An act legalizing the November, 1940, election in the town of Brentwood.

House Bill No. 58, An act legalizing the biennial election of November, 1940, in the town of Derry.

Severally read a third time and passed, and sent to the Senate for concurrence.

Mr. Sullivan of Concord moved that the order whereby House Bill No. 318, An act establishing the state liquor commission was referred to the Committee on Judiciary be vacated, and the bill be referred to the Joint Committees on Liquor Laws and Judiciary.

The question being on the motion of Mr. Sullivan.

(Discussion ensued)

Mr. Sullivan of Concord spoke for the motion.

Mr. Wiggin of Manchester spoke against the motion.

Mr. Hunter of Hanover offered the following amendment to the motion:

Amend said motion by substituting the words "Judiciary and Liquor Laws" so that the motion as amended will be as follows:



That the bill be referred to the Joint Committees on Judiciary and Liquor Laws.

The question being on the amendment offered by Mr. Hunter.

On a *viva voce* vote the amendment was adopted.

The question being on the motion of Mr. Sullivan as amended.

On a *viva voce* vote the negative appeared to prevail.

Mr. Foote of Portsmouth called for a division.

A division being had 95 members voted in the affirmative and 118 members voted in the negative, and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting having voted either in the affirmative or the negative, no valid action was taken, and the motion went into unfinished business.

On motion of Mr. Hutchins of Stratford at 3:35 o'clock the House adjourned.

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#### WEDNESDAY, JANUARY 29, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### Introduced to Joint Convention

Mr. Walter J. Mallard, of the National Municipal League of New York City, was introduced to the joint convention.

#### Leaves of Absence

Messrs. Boucher and Coffin of Somersworth were granted leaves of absence for the day on account of important business.

Messrs. Lord of Gilford and Reynolds of Greenfield were granted leaves of absence for the week on account of illness.

### Committee Reports

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 38, An act relating to zoning, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 4, An act legalizing the 1940 biennial election in the town of Gilmanton, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 12, An act legalizing the November election in the town of Fremont, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "Fremont" in the third line the words, are hereby legalized, ratified and confirmed, so that said section as amended shall read as follows: 1. *Proceedings Legalized.* The votes and proceedings of the biennial election held on the fifth day of November, 1940, in the town of Fremont are hereby legalized, ratified and confirmed.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 23, An act relating to State Highway construction in recreational areas, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 322, An act relative to unemployment compensation, with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Labor.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 323, An act exempting orphans from property taxation, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 324, An act exempting widows from paying poll taxes, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.



Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 47, Joint resolution for the improvement of a road in the town of Tamworth, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

On motion of Mr. Hunter of Hanover,

*Resolved*, The rules be suspended to allow the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 325, An act validating a meeting of the Coos County convention, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Wiggin of Manchester moved that the rules be further suspended that the printing of House Bill No. 325, An act validating a meeting of the Coos County convention, and its reference to a committee be dispensed with.

The question being on the motion of Mr. Wiggin.

(Discussion ensued)

Mr. Wiggin spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Wiggin of Manchester moved that the rules be further suspended, that House Bill No. 325, An act validating a meeting of the Coos County convention,

be put upon its third reading, by title, and final passage at the present time.

The question being on the motion of Mr. Wiggin.

(Discussion ensued)

Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail, and the bill was ordered to a third reading.

### Order Vacated

Mr. Riel of Franklin moved that the order whereby House Bill No. 120, An act relating to the city charter of Franklin, was referred to the Committee on Judiciary, the rules be suspended, and the bill be referred to a special committee consisting of the delegation from the city of Franklin.

On a *viva voce* vote the motion prevailed.

### Resolution

Mr. Daniels of Manchester, Ward 1, offered the following resolution:

*Whereas*, the House has learned with sorrow of the death of Arthur W. Chase, father of Stoddard B. E. Chase, Representative from Manchester, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Representative Chase.

JOEL S. DANIELS,  
PERLEY W. GAGE,  
EDWARD T. KNOWLTON,  
J. WALKER WIGGIN,  
WAYNE D. ANDERSON,

*Committee.*

### Unfinished Business

Mr. Foote of Portsmouth called for unfinished business.

The question being on the motion as amended of Mr. Sullivan of Concord, that the order whereby House Bill No. 318, An act establishing the state liquor commission was referred to the Committee on Judiciary be vacated, and the bill be referred to Joint Committees of Judiciary and Liquor Laws.

(Discussion ensued)

Messrs. Foote of Portsmouth, Tilton of Laconia, Ward 4, and Wiggin of Manchester, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was referred to the Joint Committees on Judiciary and Liquor Laws.

On motion of Mr. Foote of Portsmouth the use of Representatives Hall was granted to the Committees on Judiciary and the Liquor Laws for a hearing on House Bill No. 318, An act establishing the state liquor commission at 1:30 o'clock today.

### Order Vacated

Mr. Lichman of Keene moved that the order whereby House Bill No. 253, An act to amend the charter of the city of Keene was referred to the Committee on Judiciary be vacated, the rules be suspended, and the bill be referred to a special committee, consisting of the delegation from the city of Keene.

The question being on the motion of Mr. Lichman.

(Discussion ensued)

Mr. Frissell of Keene spoke against the motion.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Guay of Laconia, business in



order at 3 o'clock, was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles were made in order.

House Bill No. 4, An act legalizing the 1940 biennial election in the town of Gilmanton.

House Bill No. 12, An act legalizing the November election in the town of Fremont.

House Bill No. 38, An act relating to zoning.

House Bill No. 325, An act validating a meeting of the Coos County convention.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Baldwin of Pittsburg at 12:05 o'clock the House adjourned.

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### THURSDAY, JANUARY 30, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Rollins of Alton, Witherill of Cornish, and Mock of Plainfield were granted leaves of absence for Thursday on account of important business.

Mr. Miller of Fitzwilliam was granted leave of absence for the week on account of illness.

Mr. Wiggin of Conway was granted leave of absence for the week on account of out of state business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morn-

ing it be to meet Saturday morning at 10:00 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

### Committee Reports

Mr. Pulsifer of Campton for the Committee on Agriculture to whom was referred House Bill No. 27, An act defining the term distributor under the provisions relative to milk control, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Redden of Portsmouth for the Committee on Coastwise Improvements to whom was referred House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay, reported the same with the recommendation that the Joint Resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mrs. Otis of Concord for the Committee on Public Health to whom was referred House Bill No. 33, An act relating to reports on the operation of cold storage warehouses, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Otis of Concord for the Committee on Public Health to whom was referred House Bill No. 35, An act relating to definitions and standards under the food and drug law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia for the Committee on Revision of the Statutes to whom was referred House Bill No.

96, An act relative to commitment to the state hospital, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Sunapee for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 326, An act relating to public welfare, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 327, An act relating to the election of officers of the Penacook Union School District, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover for the Committee on Rules having considered the subject reported the following entitled Bill, House Bill No. 328, An act relating to the parking of pleasure vehicles, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Simpson of Bartlett for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 329, An act relating to non-resident privileges, with the recommendation



that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Wiggin of Manchester for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 330, An act relative to taxation of poultry, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Hunter of Hanover for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 331, An act relative to the taking of fox, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Fisheries and Game.

Mr. Osborne of Sunapee for the Committee on Rules having considered the subject reported the following entitled bill, House Bill No. 332, An act relating to the marking of ballots, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Blandin of Bath for the Committee on Rules having considered the subject reported the following joint resolution, House Joint Resolution No. 48, Joint resolution in favor of George H. Reed, with the

recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

### Resolution

On motion of Mr. Foote of Portsmouth.

*Resolved*, The use of Representatives' Hall be granted to the joint committees on Judiciary and Liquor Laws for Tuesday, February 4, at 1.30 o'clock.

### Third Readings

House Bill No. 27, An act defining the term distributor under the provisions relative to milk control.

House Bill No. 33, An act relating to reports on the operation of cold storage warehouses.

House Bill No. 35, An act relating to definitions and standards under the Food and Drug Law.

House Bill No. 96, An act relative to commitment to the State Hospital.

Severally read a third time and passed and sent to the Senate for concurrence.

Mr. O'Connell of Manchester in the Chair.

On motion of Mr. Blandin of Bath at 11.28 o'clock the House adjourned.

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### SATURDAY, FEBRUARY 1, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, February 1, 1941.

Mr. Charles A. Holden,  
Hanover, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

On motion of Mr. Clinton of Concord, the House adjourned.

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TUESDAY, FEBRUARY 4, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Messrs. Edwards of Bennington, Philbrick of Belmont, McNeil of Portsmouth and Chevrette of Manchester were granted leaves of absence for the week on account of illness.

Messrs. Merrill of Laconia, and Reynolds of Greenfield were granted leaves of absence for Wednesday on account of attending funerals.

Messrs. Hobbs of North Hampton, and Lord of Gilford were granted leaves of absence for the day on account of illness.

Mr. Grinnell of Derry was granted leave of absence for the day on account of important business.

#### **Committee Reports**

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 2, An act authorizing the town of Candia to issue refunding notes or bonds.



House Bill No. 325, An act validating a meeting of the Coos County convention.

The report was accepted.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Ways and Means, under the rules.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 53, An act to increase the amount of property that St. Mary's School for Girls may own, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the words, "To amend Chapter 167 of the Laws of 1885" so that the same shall read as follows:

An act to increase the amount of property that St. Mary's School for Girls may own.

Further amend said bill by inserting after the figure 1 in the first line of said bill the word Amendment and a period, so that the same shall read as follows:

1. *Amendment.* Amend section 2 of Chapter 167 of the Laws of 1885 by striking out the words "two hundred thousand dollars" wherever they appear in said section and insert "five hundred thousand dollars" so that said section as amended shall read as follows: "Sect. 2. Said corporation is hereby empowered to establish and maintain, in the city of Concord or elsewhere in New Hampshire, a school for the education of girls, and for that purpose may acquire and hold by gift, bequest, or otherwise, real and per-

sonal estate to an amount not exceeding five thousand dollars; may erect suitable buildings, employ proper teachers and assistants, and establish all necessary by-laws and regulations for their government, and exercise any other power proper to carry into effect the object of this act; provided, that said by-laws and regulations shall not be repugnant to the constitution and laws of this state."

The report was accepted.

The question being on the amendments.

Mr. Wiggin of Manchester moved that the reading of the amendments be dispensed with.

The question being on the motion of Mr. Wiggin.

(Discussion ensued)

On a *viva voce* vote the motion prevailed.

The amendments were adopted, and the bill ordered to a third reading.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 333, An act relative to hours of labor in restaurants, cafes and eating houses, with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Labor.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 334, An act relating to the sale of wines by restaurants, with the recommendation that the bill be referred to the Committee on Liquor Laws.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Liquor Laws.

Mr. Simpson of Bartlett, for the Committee on

Rules, having considered the subject, reported the following entitled bill, House Bill No. 335, An act relating to fish and game, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 336, An act relative to taking brook trout, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Wiggins of Manchester, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 49, Joint resolution for the improvement of the General James Reid Highway in the town of Richmond, with the recommendation that the joint resolution be referred to the Committee on Public Improvements.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Clark of Franconia, for the Committee on Elections, to whom was referred Petition of Eugene J. Pelletier, praying for a seat in the House, reported the same with the recommendation that the petition be granted.

The report was accepted, and the recommendation of the committee adopted.



### Qualified

Mr. Pelletier of Keene, having qualified before his Excellency the Governor, appeared and took his seat as a member of the House.

Mr. Clarke of Frankestown, for the Committee on Elections, to whom was referred Petition of George C. Warner of Claremont, praying for a seat in the House, reported the same with the recommendation that his petition, that Ruth M. Hamilton be adjudged disqualified, be granted; that his petition praying for a seat in the House, be denied.

The report was accepted.

### Ruling of Speaker

The report of the Committee on Elections, on the petition of George C. Warner, praying for a seat in the House, having been presented, and the petition having been read, the Chair made the following statement as to the parliamentary situation:

The petition contains a prayer that Ruth M. Hamilton be disqualified, and a further prayer that George C. Warner be granted a seat in the House. The report of the committee recommends that the first prayer be granted, and that the second be denied. Two questions are thus presented for the determination of the House, and the Chair rules that the committee report is divisible under Rule 27. The first question is, Shall Ruth M. Hamilton be disqualified? Upon the determination of this question by the House the question will then be, Shall the prayer of George C. Warner for a seat in the House be denied? Therefore, the question is, Shall Ruth M. Hamilton be disqualified?

The question being, Shall Mrs. Hamilton be disqualified?

(Discussion ensued)

Messrs. Sayers of Keene, Tilton of Laconia, Ward 4, Wiggin of Manchester, Hunter of Hanover and Blandin of Bath, and Miss Spollett of Hampstead, and Mrs. Cooper of Nashua, spoke in favor of the motion.

Messrs. Duncan of Jaffrey, Foote of Seabrook, Condon of Newport, Seymour of Carroll, and Velishka of Nashua, and Mrs. Hamilton of Claremont, spoke against the motion.

Mr. St. Francois of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being, Shall Mrs. Hamilton be disqualified?

Mr. Hunter of Hanover demanded the yeas and nays, and the roll was called with the following result:

YEAS, 195

ROCKINGHAM COUNTY: Tuttle, Stowe, Lake, Wyman, Goodrich, Currier, Berthiaume, Corson, Morrison, Bourn, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Nesmith, Patridge, Prescott, Johnson of Northwood, Sanborn of Nottingham, Foote of Portsmouth, Gray, Redden, Yeaton, Schlegel, Burkhardt, Tucker, Barron, Peever, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Keenan, Shaheen, Hartford, Kennard, Leighton, Lucas, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Studley, Fernald, Hayes of Rochester, Ward 6.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Tarlson, Tilton of Laconia, Ward 3, Roucher, Tilton of Laconia, Ward 4, Merrill of Laconia, Rivers, Neal, Pynn.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Morgan, Sanborn of Chichester, Henry, Otis, Potter, Nash, Clinton, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Buntten, Upton, Comi, Ford, Milburn, Bunker, Maxfield, Maxwell, Rounds, Swift, Carr, Freese, Connor, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Brown of Goffstown, Wakefield, Reynolds, Gleason, Boynton, Gay of Hillsborough, Lievens, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Anderson, Woodbury of Manchester, Tessier, Duval, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Shedd, Thompson, Bigelow, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Miller, Hanson, Clark of Harrisville, Robertson, Mills, Aldrich, Batchelor, Frissell, Lombard, Mason of Keene, Lichman, Sayers, Duffy, Tarbox, Hale of Rindge, Blake, Wheeler, Pierce, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Witherhill, Barton, Mark.

GRAFTON COUNTY: Rollins of Alexandria, Blandin, Noyes, Coolidge, Pulsifer, Clark of Canaan, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Bell, Barney, Gilbert, Sawyer.

COOS COUNTY: Brungot, Christiansen, Fuller,



Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Baldwin, Weeks of Stewartstown.

## NAYS, 177

ROCKINGHAM COUNTY: Fogg of Deerfield, Fecteau, Evans of Kensington, Keay, Pridham, Coleman, Labranche, Rousseau of Newmarket, Palmer, Barrett, Dondero, Kittredge, Kane of Portsmouth, Holmes, Foote of Seabrook.

STRAFFORD COUNTY: Jackson, Courchene, Cronin, Ackroyd, Brennan of Dover, Smith of New Durham, Nadeau of Rochester, Conrad, Hale of Rochester, Beaudoin, Potvin, Nutter, Habel, Boucher, Hebert, Nadeau of Somersworth.

BELKNAP COUNTY: Brown of Gilmanton, Guay of Laconia, Ewing, Hopkins, Smith of New Hampton, Rogers.

CARROLL COUNTY: Wiggin of Conway, Huntress.

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscawen, Moore of Bradford, Laird, Coakley, Veroneau, Mayo, Sullivan of Concord, Lemire, Riel, Douphinett, Whittier, DuDevoir, Lafond, Kenney, Boisvert, Dupont, Perkins.

HILLSBOROUGH COUNTY: Farwell, Clark of Frances-town, Bartlett of Goffstown, Charois, Gage, Barry, Dowd, Shea of Manchester, Frain, O'Neil, Creighton, Dulac, Clancy, Connolly, O'Connell, Slowey, Gaumont, Gorham, Jean, Turcotte, Benoit of Manchester, Ward 8, Constant, Donnelly, Kane of Manchester, Provencher, Roy, Adams of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Conway, Grady, Roukey, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester, Ward 13, Lesmerises, Turgeon, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Spalding, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of

Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Bass, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Duncan, Callahan, Pelletier, Pickett, Grimes, Doucette.

SULLIVAN COUNTY: Beland, Daly, Decker, Delorier, Gaffney, Marcotte, Mercier, Murphy, Bailey of Newport, Condon, Kempton, Maley, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Brown of Ashland, Haley, Oakes, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Merrill of Plymouth, Morse.

COOS COUNTY: Collette, Hinchey, Mason of Berlin, Moffett, Smith of Berlin, Evans of Berlin, Lazure, Studd, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Weeks of Colebrook, Chandler, Fraser, Fogg of Milan, Ashe, Marshall, Hutchins, Taylor.

And the recommendation of the committee was adopted, and Mrs. Hamilton was disqualified.

Petition of George C. Warner of Claremont.

The question being, Shall the prayer of George C. Warner, for a seat in the House, be denied?

On a *viva voce* vote the recommendation of the committee was adopted, and Mr. Warner was denied a seat in the House.

### Personal Privilege

Mr. Shaheen of Dover rose to a point of personal privilege, and stated that he misunderstood the question when voting Yes on the report of the Election Committee, and desired to be recorded as voting No on the question.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had concurred with the House of Representatives in the passage of the follow-

ing entitled bills, sent up from the House of Representatives:

House Bill No. 2, An act authorizing the town of Candia to issue refunding notes or bonds.

House Bill No. 325, An act validating a meeting of the Coos County convention.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 235, An act relating to coasting ordinances for the city of Nashua.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 7, An act relating to intra-state fresh pursuit of criminals.

#### **Senate Bill Read and Referred**

Senate Bill No. 7, An act relating to intra-state fresh pursuit of criminals.

Read a first and second time and referred to the Committee on Judiciary.

#### **Concurrent Resolution**

Mr. Lichman of Keene offered the following concurrent resolution:

*Resolved*, by the House of Representatives, the Senate concurring, that special exercises be held on February 12th in honor of Lincoln's birthday, and that the Speaker of the House of Representatives, and the President of the Senate be authorized and empowered to secure a speaker to make an address on that occasion.

On a *viva voce* vote the resolution was adopted and sent to the Senate for concurrence.



**Orders Vacated**

On motion of Mr. Hunter of Hanover the following several bills were re-committed as follows:

**From Committee on Public Improvements to  
Committee on Revision of the Statutes**

House Bill No. 66, An act prohibiting the obstruction of driveways.

House Bill No. 179, An act relative to protection of state and other highways.

House Bill No. 180, An act relative to the protection of state and other highways.

House Bill No. 181, An act relative to encroachments on highways.

**From Committee on Judiciary to Committee on  
Revision of the Statutes**

House Bill No. 57, An act relating to small claims.

House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons.

House Bill No. 215, An act relating to electrical rates charged by utilities.

House Bill No. 283, An act relative to accounts of executors and administrators.

House Bill No. 311, An act fixing the amount of old age assistance grants.

House Bill No. 315, An act relating to old age assistance.

**From Committee on Revision of the Statutes to  
Committee on Ways and Means**

House Bill No. 60, An act relative to tax exemption for aged persons.

House Bill No. 63, An act relative to property taxes of widows.

House Bill No. 118, An act relating to motor vehicles.

House Bill No. 324, An act exempting widows from paying poll taxes.

**From Committee on Insurance to Committee on  
Judiciary**

House Bill No. 131, An act relating to motor vehicle accidents.

House Bill No. 239, An act requiring proof of security after a motor vehicle accident.

House Bill No. 241, An act relating to actions of guests to recover compensation for damages in motor vehicle accidents.

House Bill No. 305, An act relating to proof of financial responsibility by owners and operators of motor vehicles.

House Bill No. 306, An act establishing a board of directors in connection with financial responsibility in automobile accidents.

**From Committee on Revision of the Statutes to  
Committee on Labor**

House Bill No. 183, An act relative to private employment agencies.

House Bill No. 196, An act relative to reports by unemployed persons.

House Bill No. 204, An act relating to subrogation under Workmen's Compensation Law.

**From Committee on Public Health to Joint Committee  
on Health and Agriculture**

House Bill No. 197, An act to regulate the sale or service of milk and cream in public eating and drinking places in towns and cities with a population in excess of 3,000 inhabitants.

**From Committee on Revision of the Statutes to  
Committee on Transportation**

House Bill No. 308, An act relating to motor vehicles carrying passengers for hire.

On motion of Mr. Guay of Laconia, business in order at 3 o'clock, was made in order at the present time.

**Third Reading**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of a bill, by its title, made in order.

House Bill No. 53, An act to increase the amount of property that St. Mary's School for Girls may own.

Read a first and second time, and passed and sent to the Senate for concurrence.

On motion of Mrs. Mason of Berlin at 1:15 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 5, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Joint Convention**

His Excellency the Governor appeared and delivered the following message.

*Mr. Speaker and Members of the Honorable General Court:*

We find ourselves in political office during one of the most critical periods that our nation and state have known. From this point in time we are able to look back over the course that we have followed, as a people, during the last one hundred and sixty-five



years and contemplate the many benefits which our democratic form of government has given us.

In the wonderful progress that the American people have achieved since they became an independent nation, we see gloriously realized the truth and the promise embodied in the great fundamental conception that all men are inalienably possessed of the right to life, liberty, and the pursuit of happiness.

Until recent years, there was every reason to justify the belief that democratic institutions of government, under which America has prospered so happily, might in time spread to all parts of the civilized world. It was not too much to hope that, ultimately, men everywhere would experience the advantages of living under a form of government which derived its power from the consent of those governed and which existed for the sole purpose of maintaining and enhancing the public well-being.

Unfortunately for those high hopes, democracy in our generation has not only ceased to be an expanding influence in the world but, under the impact of new and strange theories of political organization and social purpose, promoted aggressively by their advocates, has been obliged to retreat from places to which it had spread. In several countries where, in the course of long periods, democracy had secured a tenuous hold, it has been ruthlessly supplanted by dictatorships. One by one, the governments of those nations have been swallowed up by the avalanche. Today, in a world of tyrannic governments, only a handful of people—comparatively speaking—still cling to democracy, with its right to personal freedom, to participation in political power, to freedom of speech and thought and religious belief. All the others, voluntarily or by force, have renounced claim to those precious heritages. Instead, they have become the subjects of all-powerful dictators who degrade and consume their human resources

in order that the state they personify may itself become great.

The events of the past two years have crowded into every American heart a realization that an exceedingly dangerous philosophy is loose in the world, a spirit which directly threatens the national safety and the culture and institutions which have come to be known and appreciated as "the American way of life."

Regrettably enough, the people of other democratic nations have recently been obliged to make great sacrifices and it has taken a long time—Heaven grant, not too long!—for America finally to discern how real and immediate and great is the menace. Sixteen months of total warfare abroad have gradually revealed the real nature and dimensions of the task at hand.

The courageous words of the President of the United States, and the unprecedented appropriations now being made by the Congress for the purposes of national defense, clearly reflect the serious thoughts which enter the minds of the people as they hear the messages of frightfulness and suffering which the radio brings them daily and as they read the tragic accounts which fill the columns of the newspapers.

How could one feel otherwise upon contemplating the spectacle of those brave men and women in England, in Greece, and in China, fighting for home and honor, country and ideals, as people never so desperately fought for before? And, knowing these things, who could fail to see and understand that the only reason that the United States has not yet experienced the profound stresses which the impact of those foreign theories produce within the national life is the heroic resistance which other people are offering to the cruel progress of the dictators?

As a veteran soldier of our country, I am stirred by the same emotions that I knew twenty-two years ago. I well remember the intensity of my desire that noth-

ing should harm America or interfere with the growth of American ideals. Frankly, however, the crisis in which we now find ourselves so deeply immersed to me seems much more dangerous and threatening than that in which nearly two hundred and fifty thousand of our young men were killed or wounded and which ultimately, in one way or another, cost the nation nearly forty-two billions of dollars.

I do not have to recall to your minds all the administrative mistakes that were made in the nation during those trying times, nor do I have to ask you to remember the wastage of public funds that occurred, the result of inefficient organization or the lack of it. We all know how solemnly agreed the people were then that, as far as the future was concerned, whenever a grave national emergency arose it was to be encountered in accordance with plans prepared beforehand, and dealt with in a businesslike manner.

Today we find ourselves facing an emergency which is many times more dangerous than anyone had ever dreamed might fall to our lot. And I would be remiss in my duties as Governor, in executing the mandate of the Constitution of our State, if I did not, at this time, place before the General Court for its consideration, a suggested general program whereunder the State of New Hampshire may properly supplement the efforts of the national government in organizing the defensive strength of the country against those who, practicing the methods of total warfare, must needs be encountered by that same form of opposition.

I place this defense program before you in the form of four separate items of legislation, the bills having already been handed to the chairman of the Rules Committee. Each of these measures is the result of long and thorough consideration and each of them has my unqualified endorsement and support. Together



they will, if enacted into law, serve effectively to strengthen and unify all our efforts.

### State Council of Defense

The first of these measures provides for the creation of a state council of defense, an effective mechanism for mobilizing the civilian defense effort in our state and for gearing our economic and social plans with those of the federal government. The establishment of such an agency is not only necessary in order that the defense activities of government in all of its levels may be coordinated but, more important than that, such a vehicle is needed in order that the whole body of the citizenry may be advised as to the progress which is being made in plans to protect and maintain the nation.

As described in the bill, the State Defense Council would be composed of twenty-five members, twenty-one appointed by the Governor with the advice and consent of the Executive Council, with supplementary advisory or technical committees representing every activity importantly related to defense; and county coordinating committees, including members appointed from every town and city ward, whose function it would be to extend the helpful influence of the Council to all parts of the State. Of this Council, the Governor would serve as chairman, with the President of the Senate and the Speaker of the House of Representatives as Vice-chairmen.

The Council would have broad advisory powers but would be without administrative authority, that being the function of regularly constituted government agencies. However, by its nature it would be able to exert a strong influence throughout the State. The establishment of a Council of Defense is absolutely necessary if we are to coordinate State Defense Activities with those being undertaken by the national gov-

ernment in matters pertaining, for instance, to the public health, to agriculture and land use, to housing, public works, consumers' interest and protection, the maximum utilization of industrial resources, to the conservation of human resources, and matters of public safety of an emergency character. The tremendous developments centering upon the Portsmouth Navy Yard, and to a lesser degree upon the various army airports in the state are instances of the need of a coordinating agency which is charged with planning for the future as well as the present.

Under the terms of the measure, as presented, no member of the Council would receive compensation or even expenses for his duties in connection therewith. The only paid employee would be the Secretary, plus such other clerical assistance as the activities of the Council might make necessary. An appropriation of five thousand dollars is suggested as adequate for the use of the Council during the balance of the present fiscal year and for each of the years in the ensuing biennium. These are small amounts but it is clear in my mind that truly great advantages in the form of public protection and helpfulness will follow upon the passage of this proposed act. Its enactment into law would constitute a most practical and forward step in the necessary procedure of placing our state in a proper posture for defense, as thirty-nine other states have already done by establishing state defense councils.

### State Guard

The other three measures are all closely related, each of them being intended to strengthen and integrate local, state, and national law enforcement. In these days of extraordinary military, industrial, and social effort, every citizen and every unit and agency of government must devote itself steadily to the prime

purpose in view, namely, common defense for all. This requires co-operation and loyalty at all times, for law enforcement is just as vital to the national defense program as the building of submarines, or the production of rifles or airplanes or tanks, or the training of soldiers. It is obvious that, unless those essential activities can be protected against interference, the whole program of national defense will be endangered.

One of these important measures would authorize the formation of a New Hampshire State Guard to take the place and fulfill the duties of the national guard of New Hampshire, part of which is already in the federal service, and the last elements of which will pass from the control of the state on March ten of this year, or soon thereafter. It is essentially an emergency military measure, being operative only upon proclamation of the Governor, issued with the advice and consent of the Executive Council, during periods when the national guard has been taken into the federal service. As drawn, the proposed law complies exactly with the National Defense Act, as amended, thereby eliminating any question of constitutionality.

In planning for the establishment of such a temporary military force, reliance has been placed mainly upon the willingness of war veterans and former guardsmen to serve in the ranks. A registration of available men has long since been made in every place where state guard units would be stationed and I am certain that, given the authority provided in this act, it will be possible to bring into being in New Hampshire a small, but highly effective military organization, comprising approximately four hundred seventy-five officers and enlisted men, which will be a credit to the people of the state, and to its own mem-



bership, and one which may be trusted to give a good account of itself in times of emergency.

Many lessons have been learned from methods of warfare in effect abroad and from a study of the results that have been obtained. One of the most important of these is the need for maintaining, and maintaining in a state of high efficiency, a strictly military organization competent to circumvent so-called fifth columnists when they appear in numbers, and able to overcome organized subversive groups beyond the control of police authorities.

The existence of plans for such hostile efforts in our own state and country must not be lightly doubted, and their emergency in dangerous reality in time of stress must be foreseen and adequate provision made to counteract them. The tragic experiences of Norway, France, and the low countries demonstrate all too positively that organized subversive action in the rear areas, behind the zone of military operations, may be just as destructive to national defense as assaults by troops at the front. To quote the Assistant Secretary of War in a recent address:

"The State Guard will be alert to the fact that the wars of today know no front line; that a tiny village hundreds of miles from the theoretical front may suddenly become the scene of desperate and blazing act."

During the last World War it was found necessary to create a New Hampshire State Guard, and to maintain it at considerable expense. To establish the military force contemplated in the measure which will be before you shortly will require the expenditure of approximately fifty thousand dollars for needed equipment and supplies, since very little can be drawn from the federal government, and twenty thousand dollars for annual maintenance. The funds required for the

purchase of equipment are based upon actual cost, subject of course, to fluctuations in prices, but the estimated annual maintenance cost is necessarily a basic figure which may be exceeded if severe emergency conditions should persist for long, and which would correspondingly be reduced if conditions proved less hazardous.

I recommend that the funds required for the initial equipment of the state guard be provided by means of a small bond issue, and that the regular annual maintenance cost be a charge against current expenses. A contingent appropriation feature has been incorporated making the sum of twenty thousand dollars available for the establishment of the state guard, if called into being in any future year when the General Court is not in session.

### Anti-Sabotage

Another bill in this group of essential defense measures has to do with the prevention of sabotage, and is important to both the military and the police. The need for protection against those enemy agents who work from within is obvious. The destruction wrought during the first World War and the vast protective organization which had to be built up to guard against such treachery are still fresh in mind.

In these days, when the employment of such methods abroad has been reduced to the utmost refinement, it is many times more important that every possible assistance be given those in our own state and nation whose duty it is to cope with sabotage and saboteurs. Like the State Guard Act, the sabotage prevention act is an emergency measure, expiring on May 15, 1945, the date upon which the Selective Service and Training Act of 1940 expires, and becoming effective thereafter only whenever the United States is at war.

It would supersede no existing law but, if enacted, would

1. Permit of the punishment of acts of sabotage already committed.
2. Make it easier to detect the presence of saboteurs by providing for their questioning and detention.
3. Protect properties essential to national defense from destruction by increasing the right to regulate the use of adjacent highways.
4. Facilitate the conviction of those charged with sabotage by blocking certain legal avenues of possible escape, and
5. Make certain that the law will never be used as an instrument for oppressing organized labor by formally protecting labor's rights.

### **Explosives Bill**

Finally, I am proposing that, as a measure essential to defense, there be enacted into law a bill providing, by a system of licenses, a control over the manufacture, sale, and distribution of explosives, which will prohibit the purchase of those dangerous substances by persons who have no valid reason for having them in their possession.

By the terms of this act relating to explosives, persons desiring to manufacture, deal in, or possess explosives would be obliged to secure a license from the Commissioner of Weights and Measures. The fees would be nominal since the entire purpose of the act is control and not revenue-production. There is already on the statute books a law relating to explosives, but it is mainly concerned with transportation. The enactment of this new law would in no way result in a conflict.



It is most desirable that this measure be placed upon the statute books because, in other parts of the country, explosions have occurred in recent months which give rise to suspicions of sabotage, or at any rate, indicate the danger of uncontrolled distribution of explosives.

I particularly invite your attention to the fact that the bills relative to the state council of defense, the state guard, and sabotage prevention have been drafted with the intention that they shall remain on the statute books ready, automatically, to be used in case of war or similar emergency and lapsing when the danger period is over. The bill relating to explosives has been given no expiration date. Being designed to cover the manufacture, sale, and possession of explosives from a defense standpoint only, it will be of nominal character in other than times of national emergency.

I doubt if there is one among us who does not realize that Time is the all-important factor in connection with this defense program. The march of events abroad has been so rapid and startling that one might predict the occurrence of almost impossible things without too much risk of erring.

Accordingly, I leave these measures in your hands with my strong recommendation that you study them carefully, and that you act upon them promptly.

The patriotic record of the people of New Hampshire, and their loyalty to the men who were in the military service during the emergencies that have arisen in the last one hundred sixty-five years, assures staunch and active support during these trying times. I conceive it, however, to be my duty, with the assistance and co-operation of the Legislature, to make possible a co-ordinated effort on the part of all the people, and believe that the four measures which I

have proposed to you today provide the means for making such an effort possible.

In this way, we shall enable the State of New Hampshire to do its full share in furthering total national defense by taking the steps that are absolutely necessary, under the terms of the Constitution of the United States, in order—"to insure domestic tranquility, provide for the common defense,—and secure the blessings of liberty to ourselves and our posterity."

### Leaves of Absence

Mr. Higley of Acworth was granted leave of absence for Thursday on account of important business.

Mr. Shedd of New Boston was granted leave of absence for Thursday and Tuesday on account of important business.

Mr. Davis of Concord was granted leave of absence for the day on account of illness.

Mr. Boynton of Hillsborough was granted leave of absence for Thursday on account of illness in family.

### Committee Reports

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 4, Joint resolution to compensate F. Earle Thayer for services, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 127, An act naming the notch between North Sanborn-ton and New Hampton in memory of Daniel Rollins, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 82, An act repealing the provisions relative to daylight saving time, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 86, An act relating to the right of a tax collector to distrain and sell personal property, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 79, An act relating to disposition of game, etc., killed, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 144, An act relating to exemptions from taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 76, An act relative to the statements of county commissioners to the convention, reported the same with



the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole of said section and inserting in place thereof the following: 1. Amend section 11 of chapter 35 of the Public Laws, as amended by chapter 18 of the Laws of 1931, by striking out in the third line the words "fourth Wednesday" and inserting in place thereof the words, last day of February, so that said section as amended shall read as follows: 11. *Commissioners' Statement.* The county commissioners shall send to the secretary of state, prior to the last day of February of each biennial session of the legislature, a statement of the condition of the county treasury on the preceding December thirty-first, accompanied by their recommendation of the sums necessary to be raised for the county in each of the two years next ensuing, stating therein in detail the objects for which the money is required; and the secretary of state shall deliver the same to the clerk of the convention, upon request.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 337, An act to establish a new apportionment for the assessment of public taxes, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 83, An act relating to interest on unpaid taxes, reported the same with the following amendment, and

the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word, "six" in the third and fourth lines and inserting the word, eight, so that said section as amended shall read as follows: 1. *Interest*. Amend section 11 of chapter 64 of the Public Laws by striking out the word "ten" in the first line and inserting in place thereof the word, eight, so that said section as amended shall read as follows: 11. *Interest*. Interest at eight per cent shall be charged upon all taxes not paid on or before December first, after their assessment, from that date, which shall be collected with the taxes as incident thereto.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Osborne of Sunapee spoke in favor of the amendment.

Mr. Myhaver of Peterborough moved that the bill and the amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Myhaver of Peterborough, Duncan of Jaffrey, Osborne of Sunapee, and Thomas of Dublin spoke in favor of the motion.

Messrs. Clark of Canaan, Wadleigh of Milford, Betley of Manchester, Smart of Ossipee, and O'Shan of Laconia, and Mrs. Brungot of Berlin spoke against the motion.

Mr. Cormier of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone the bill and amendment.

On a *viva voce* vote the negative appeared to prevail.

Mr. Sawyer of Woodstock demanded the yeas and nays, and the roll was called with the following result.

YEAS, 110

ROCKINGHAM COUNTY: Tuttle, Wyman, Goodrich, Grinnell, Cilley, Spollett, Merrill of Hampton, Nesmith, Pridham, Patridge, Foote of Portsmouth, Holmes, Tucker, Barron, Peever.

STRAFFORD COUNTY: Kennard, Smart of Durham, Conrad, Berry.

BELKNAP COUNTY: Cotton, Brown of Gilmanton, Tilton of Laconia, Ward 4, Smith of New Hampton.

CARROLL COUNTY: Young.

MERRIMACK COUNTY: Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Upton, Ford, Milburn, Maxfield, Maxwell, Nelson of Hopkinton, Kenney, Swift, Carr, Connor, Cloues.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Clark of Francestown, Brown of Goffstown, Gleason, Boynton, Lievens, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Shea of Manchester, Shedd, Bass, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Thomas, Miller, Hanson, Clark of Harrisville, Robertson, Duncan, Mills, Frissell, Blake, Pierce, Ingham.

SULLIVAN COUNTY: Higley, Witherill, Brigham, Bailey of Newport, Condon, Kempton, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Gile of Hanover, Holden, Hunter, Dean, Oakes, Adams of Lincoln, Collins of



Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Bailey of Lyme, Johnson of Monroe, Bell, Merrill of Plymouth, Robbins of Thornton, Sawyer.

COOS COUNTY: Moffett, Smith of Berlin, Lazure, Parkhurst, Emerson of Dalton, Chandler, Kimball, Morris, Fogg of Milan, Hutchins, Taylor.

#### NAYS, 241

ROCKINGHAM COUNTY: Stowe, Lake, Currier, Fogg of Deerfield, Berthiaume, Corson, Morrison, Fecteau, Bourn, Goodale, Pennell, Robbins of Fremont, Evans of Kensington, Keay, Coleman, Labranche, Rousseau of Newmarket, Prescott, Johnson of Northwood, Sanborn of Nottingham, Palmer, Barrett, Dondero, Kittedge, Gray, Yeaton, Schlegel, Burkhardt, Kane of Portsmouth, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Jackson, Keenan, Cronin, Hartford, Ackroyd, Leighton, Webster, Bartlett of Lee, Longley, Smith of New Durham, Nadeau of Rochester, Beaudoin, Potvin, Studley, Nutter.

BELKNAP COUNTY: Rollins of Alton, Nichols, Lord, O'Shan, Guay of Laconia, Tilton of Laconia, Ward 3, Boucher, Rivers, Ewing, Hopkins, Neal, Pynn, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscowen, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Henry, Otis, Potter, Fletcher, Clinton, Brunel, Bunten, Mayo, Comi, Bunker, Lemire, Riel, Douphinett, Whittier, Rounds, DuDevoir, Lafond, Boisvert, Freese, Perkins, Mock.

HILLSBOROUGH COUNTY: Farwell, Bartlett of Goffstown, Wakefield, Charois, Gay of Hillsborough, Abbott, Morrill, Cummings, Carter of Manchester, Gage, Woodbury of Manchester, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Dulac, O'Brien, Booth, Connolly, O'Connell, Gaumont, Gorham, Jean, Turcotte, Benoit of Manchester, Ward 8, Constant, Kane of Manchester, Roy, Adams of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Conway, Aubin, Durette, Prince, Rosseau, Daniel of Manchester, Ward 13, Duval, Lesmerises, Turgeon, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Bouthillier, Senechal, Thompson, Bigelow.

CHESHIRE COUNTY: Aldrich, Batchelor, Callahan, Lombard, Hilton, Mason of Keene, Lichman, Duffy, Pickett, Tarbox, Hale of Rindge, Wheeler, Grimes, Doucette, Brennan of Westermoreland, Nelson of Winchester.

SULLIVAN COUNTY: Hamlin, Barrows, Beland, Daly, Decker, Gaffney, Marcotte, Maley, Mark, Philbrick of Springfield.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Noyes, Clark of Canaan, Valia, Cryan of Haverhill, Davison, Haley, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Whitcomb,ushman, Barney, Morse, Gilbert.

COOS COUNTY: Mason of Berlin, Lemieux, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Weeks of Colebrook, Fraser, Cryan of Lancaster, Ashe, Marshall, Baldwin, Weeks of Stewartstown.

And the motion to indefinitely postpone did not prevail.

The question being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Public Health, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words, "or sanitarians also engineers" in the fifth and sixth lines and inserting in place thereof the words, sanitary engineers, so that said section as amended shall read as follows: 1. *Employment.* For the purpose of carrying out the provisions of this chapter and of those of other statutes the enforcement of which rests with it, the state board of health may employ persons to be known as inspectors or sanitary engineers and other agents. Their salaries shall be such sums as may be established under the merit system of employment with the approval of the Governor and Council. They shall be reimbursed for their expenses, legally incurred while engaged in the performance of their duties.

Amend section 2 by striking out the whole of said section and inserting in place thereof the following: 2. Further Amend said chapter 136 by adding at the end thereof a new section to read as follows: 7. *Authority to Seize. Embargo.* Said inspectors, sanitary engineers and agents are hereby authorized and empowered to seize for use as evidence and without



warrant any article or commodity found being sold, distributed, or used in violation of said statutes; also to embargo the further sale, distribution or use of said articles or commodities. Provided, however, that in the collection of samples of commodities for investigation the retail price thereof shall be tendered.

WILLIAM P. HODGE,  
J. W. COOLIDGE,  
G. H. NASH,  
WILLIAM B. CONNOR,  
*A Minority of the Committee.*

Mr. Coolidge of Bristol moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, ought to pass, and with this motion pending, the amendment be laid upon the table to be printed.

On a *viva voce* vote the motion prevailed.

### Orders Vacated

On motion of Mr. Jean of Manchester.

*Resolved*, The order whereby House Bill No. 205, An act to amend the charter of the city of Manchester, and House Bill No. 279, An act relative to ward lines in the city of Manchester, was referred to the Committee on Judiciary, and House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, was referred to the Committee on Appropriations, be vacated, and that the rules be suspended and the above bills be referred to a special committee consisting of the delegation from the city of Manchester.

### Resolution

On motion of Mr. Daniels of Manchester, Ward 1, The Clerk was instructed to procure the usual numbers of printed copies, in pamphlet form, of the message of His Excellency, the Governor.

**Qualified.**

Mr. James C. Hilton of Keene, having qualified before His Excellency, the Governor, appeared and took his seat as a member of the House.

On motion of Mr. Cormier of Nashua, business in order at 3.00 o'clock was made in order at the present time.

**Third Readings**

On motion of Mr. Cormier of Nashua, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 76, An act relative to the statements of county commissioners to the convention.

House Bill No. 83, An act relating to interest on unpaid taxes.

Read a third time, and passed, and sent to the Senate for concurrence.

**Reconsideration**

Mr. Wadleigh of Milford moved that the House reconsider its vote whereby it passed House Bill No. 83, An act relating to interest on unpaid taxes, at the present time.

On a *viva voce* vote the motion did not prevail.

On motion of Mrs. Bailey of Newport at 1:05 o'clock the House adjourned.

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THURSDAY, FEBRUARY 6, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Durette of Manchester, and Potter of Con-

cord were granted leaves of absence for the day on account of illness.

Messrs. Brennan of Westmoreland, and Clark of Francetown were granted leaves of absence for the day on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

### Committee Reports

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 165, An act relative to labeling commercial feeding-stuffs for farm live stock, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 142, An act relating to the expenditure of funds by city officials, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sullivan of Nashua, for the Committee on State Prison, to whom was referred House Bill No. 138, An act relative to management of the state prison industries, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wiggan of Manchester, for the Committee on



Rules, having considered the subject, reported the following entitled bill, House Bill No. 338, An act relative to instruction for forest fire wardens, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Forestry and Recreation.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 339, An act providing for a state council of defense, with the recommendation that the bill be referred to the Joint Committee on Judiciary and Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Joint Committee on Judiciary and Military Affairs.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 340, An act establishing a state guard, with the recommendation that the bill be referred to the Joint Committee on Judiciary and Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Joint Committee on Judiciary and Military Affairs.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 341, An act to protect against sabotage, with the recommendation that the bill be referred to the Joint Committee on Judiciary and Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and re-

ferred to the Joint Committee on Judiciary and Military Affairs.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 342, An act relating to explosives, with the recommendation that the bill be referred to the Joint Committee on Judiciary and Military Affairs.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Joint Committee on Judiciary and Military Affairs.

On motion of Mr. Hunter of Hanover, the rules were suspended to allow for the presentation of four committee reports which had not previously been advertised in the Journal.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 343, An act relating to the election of representatives to the general court, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor, with the recommendation that the bill be referred to the Joint Committee on Coastwise Improvements and Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Joint Committee on Coastwise Improvements and Public Improvements.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel, with the recommendation that the bill be referred to the Joint Committee on Coastwise Improvements and Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Joint Committee on Coastwise Improvements and Public Improvements.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 346, An act establishing a commission to study the problem of establishing a retirement plan for state employees, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 95, An act relative to the abolition of a municipal court, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The question being on the resolution of the committee that the bill ought to pass.

Mr. Matson moved that the bill and its accompanying report be laid upon the table.

On a *viva voce* vote the motion prevailed, and the bill, and its accompanying report were laid upon the table.



Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Public Health, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words, "or sanitarians also engineers" in the fifth and sixth lines and inserting in place thereof the words, sanitary engineers, so that said section as amended shall read as follows: 1. *Employment.* For the purpose of carrying out the provisions of this chapter and of those of other statutes the enforcement of which rests with it, the state board of health may employ persons to be known as inspectors or sanitary engineers and other agents. Their salaries shall be such sums as may be established under the merit system of employment with the approval of the Governor and Council. They shall be reimbursed for their expenses, legally incurred while engaged in the performance of their duties.

Amend section 2 by striking out the whole of said section and inserting in place thereof the following: 2. Further amend said chapter 136 by adding at the end thereof a new section to read as follows: 7. *Authority to Seize. Embargo.* Said inspectors, sanitary engineers and agents are hereby authorized and empowered to seize for use as evidence and without warrant any article or commodity found being sold, distributed, or used in violation of said statutes; also to embargo the further sale, distribution or use of said article or commodities. Provided, however, that in

the collection of samples of commodities for investigation the retail price thereof shall be tendered.

WILLIAM P. HODGE,  
J. W. COOLIDGE,  
G. H. NASH,  
WILLIAM B. CONNOR,  
*A Minority of the Committee.*

Mr. Coolidge of Bristol moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, ought to pass, and with this motion pending, the amendment be laid upon the table to be printed.

On a *viva voce* vote the motion prevailed.

#### Taken from Table

The question being on the motion to substitute the report of the minority "ought to pass with amendment" for the report of the majority "ought to pass."

(Discussion ensued)

Mr. Coolidge of Bristol spoke in favor of the motion.

Mr. Winslow of Chesterfield spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Lichman of Keene called for a division.

A division being had, 85 members voted in the affirmative, and 160 members voted in the negative, and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having voted either in the affirmative or the negative, no valid action was taken, and the bill and its accompanying reports went into unfinished business.

On motion of Mr. Tilton of Laconia, Ward 4, the

rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Tilton of Laconia, ward 4, for the Committee on Judiciary, to whom was referred House Bill No. 114, An act to amend the charter of the city of Laconia and provide for biennial elections, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The bill, in new draft, was read a first and second time, laid upon the table to be printed, and recommended to the Committee on Judiciary.

On motion of Mr. Tilton of Laconia, ward 4, the rules were suspended, the printing of the bill in new draft, and its reference to a committee was dispensed with, and the bill in new draft ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Resolved*, by the House of Representatives, the Senate concurring, that special exercises be held on February 12th in honor of Lincoln's birthday and that the Speaker of the House of Representatives and the President of the Senate be authorized and empowered to secure a speaker to make an address on that occasion.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 4, An act legalizing the 1940 biennial election in the town of Gilmanton.



House Bill No. 12, An act legalizing the November election in the town of Fremont.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 2, An act relative to filing of declarations as to qualifications for holding office of representative or senator.

Senate Bill No. 10, An act relative to town contributions to secondary highways.

### **Senate Bills Read and Referred**

Senate Bill No. 2, An act relative to filing of declarations as to qualifications for holding office of representative or senator.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 10, An act relative to town contributions to secondary highways.

Read a first and second time, and referred to the Committee on Revision of the Statutes.

### **Reconsideration**

Mr. Blandin of Bath gave notice that on today or some subsequent day, he would move to reconsider the vote whereby the House voted to adopt the report of the Committee on Claims, on House Joint Resolution No. 4, Joint resolution in favor of F. Earl Thayer. Inexpedient to legislate.

### **Resolutions**

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That when the House adjourns today it be in memory of the late Congressman Edward H. Wason.

The resolution was unanimously adopted by a rising vote.

Mr. Upton of Concord offered the following resolution:

*Whereas*, George Higgins Moses, President of the New Hampshire Constitutional Convention, and former president pro tempore of the United States Senate, is confined to his home by illness, and

*Whereas*, February 9 is the birthday of this estimable Elder Statesman, therefore be it

*Resolved*, That the members of the House of Representatives extend to him their very best wishes for a speedy recovery to health, and their most cordial greetings for a happy birthday; and be it further

*Resolved*, That the Clerk transmit to him a copy of these resolutions.

The resolution was unanimously adopted.

### Order Vacated

On motion of Mr. Myhaver of Peterborough.

The order whereby House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns was referred to the Committee on Transportation be vacated, and the bill referred to the Committee on Revision of the Statutes.

### Third Readings

On motion of Mr. Carter of Merrimack, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 114, An act to amend the charter of the city of Laconia, and provide for biennial elections.

House Bill No. 138, An act relative to management of the State Prison industries.

House Bill No. 165, An act relative to labeling commercial feeding-stuffs, for farm live stock.

Severally read a third time and passed, and sent to the Senate for concurrence.

**COUNTY ORGANIZATIONS**

General Chairman of counties, Edgar H. Hunter of Hanover; General Clerk of Counties, Leonard H. Peever of Salem.

**Rockingham County**

Peever of Salem, Chairman; Fecteau of Epping, Clerk.

**Strafford County**

Studley of Rochester, Chairman; Jackson of Dover, Clerk.

**Belknap County**

Rollins of Alton, Chairman; Smith of New Hampton, Clerk.

**Carroll County**

Simpson of Bartlett, Chairman; Banfield of Moultonborough, Clerk.

**Merrimack County**

Swift of New London, Chairman; Perkins of Pittsfield, Clerk.

**Hillsborough County**

Booth of Manchester, Chairman; Cooper of Nashua, Clerk.

**Cheshire County**

Tarbox of Marlboro, Chairman; Pickett of Keene, Clerk.

**Sullivan County**

Gaffney of Claremont, Chairman; Hamlin of Charlestown, Clerk.



**Grafton County**

Hunter of Hanover, Chairman; Noyes of Bethlehem, Vice Chairman; Bell of Plymouth, Clerk.

**Coos County**

Seymour of Carroll, Chairman; Norris of Lancaster, Clerk.

**Personal Privilege**

I rise to a point of personal privilege. In offering this resolution, I ignore that hyphenated American group, the Co-ordinating Committee; and I rebel against the tyrannical Committee on Rules. I pray you, sir, not to refer this resolution to either Judiciary or Liquor Laws, whether they hang together or hang separately. Some of us are all done with red tape!

Mr. Speaker, a long-time friend of New Hampshire, and an old friend of yours and mine, sent this to me only this morning, with a message to give to you. The messenger was a state trooper, with added authority from the Motor Vehicle and Highway Commissioners.

When you use this present, Sir, you may be hieing home from the hills of Hanover or the lilacs of Littleton; you may be hurrying away from the beauties of Back Lake and Hollow Notch; you may be driving back with the Speaker's wife, and the new moon among the winding foothills of Intervale; or you may be wending your weary way home from the lodge room on the Merrimack.

Wherever and whenever it may be, you will carry these tokens with you,—not a bar of gold, not a plate of platinum, but pure, untarnished aluminum, clean and shining and unsullied, Mr. Speaker, like your own career in these public halls.

You will find here two emblems of this friend's esteem, two emblems to register our regards, and our

respect for you and Mrs. Barnard. When I mention her name, Mr. Speaker, I have in mind two speakers: Mrs. Barnard, Speaker of your household, with the still small voice (of authority), and you, Sir, the Speaker of this great House of ours.

In the name of your sincere unknown friend, it gives me unbounded satisfaction to bear to both of you these tokens of devotion to you, for a long life together!

SCOTT C. W. SIMPSON,  
of Bartlett.

On motion of Mrs. Banfield of Moultonborough at 11:46 o'clock the House adjourned.

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SATURDAY, FEBRUARY 8, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, February 8, 1941.

Mr. John H. Mayo,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

On motion of Mr. Holden of Hanover, the House adjourned.

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TUESDAY, FEBRUARY 11, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Brown of Ashland was granted leave of absence for the day on account of illness.

Mr. Lord of Gilford was granted leave of absence for the day on account of attending a funeral.

Mr. Holmes of Raymond was granted leave of absence for Wednesday on account of attending a funeral.

Messrs. Mills of Jaffrey, and Kempton of Newport were granted leaves of absence for Wednesday on account of important business.

Mr. Hamlin of Charlestown was granted leave of absence for Tuesday and Wednesday on account of important business.

Messrs. Stuart of Wilmot, and Chase of Manchester were granted leaves of absence for the week on account of illness.

Mrs. Robertson of Hinsdale was granted leave of absence for the week on account of important business.

### Committee Reports

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 102, An act relating to firearms, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Bill No. 47, An act relative to exemption on real estate of totally disabled veterans, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Banfield of Moultonboro, for the Committee on Judiciary, to whom was referred House Bill No. 90, An act to amend the charter of Masonic Home, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Simpson of Bartlett, for the Committee on Judiciary, to whom was referred House Bill No. 105, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 74, An act relating to reimbursement of towns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Bass of Peterborough, for the Committee on Judiciary, to whom was referred House Bill No. 116, An act relating to the salary of the justice of the municipal court of Derry, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 89, An act to amend the charter of the Elliot Hospital of the city of Manchester, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the figures "1883" in the first line and inserting in place thereof the figures, 1881, so that said section as amended shall read as follows: 1. *Elliot Hospital*. Amend chapter 178 of the Laws of 1881 by striking out the whole of section 2 and inserting in place thereof the following: Section 2. Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing, care, support, and medical and surgical treatment of sick and disabled people, as are usually provided and furnished by similar institutions; and for such purposes may acquire and hold by lease, purchase, donation, deed, will, or otherwise, real and personal estate not exceeding in value one million five hundred thousand dollars; and said institution being in the nature of a public charity, its property shall be exempted from taxation.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 9, An act relating to the incorporation and powers of insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by adding a new section after section 1 to read as follows: 2. *Takes Effect*. This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 347, An act providing for the payment of notes in anticipation of taxes in the town of Sandown, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 87, An act authorizing the Pittsfield school district in the town of Pittsfield to borrow money and to issue serial notes and bonds, reported the same with the recommendation that the bill ought to pass in new draft and with new title.

The bill in its new draft and title was read a first and second time, and laid upon the table to be printed.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 30, An act relating to trust funds, reported the same with the recommendation that the bill ought to pass in new draft.

The bill in its new draft was read a first and second time, and laid upon the table to be printed.

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills.

House Bill No. 4, An act legalizing the 1940 biennial election in the town of Gilmanton.

House Bill No. 20, An act relative to the oath to be taken by absentee voters.

House Bill No. 38, An act relating to zoning.

House Bill No. 56, An act legalizing the November, 1940, election in the town of Brentwood.



House Bill No. 58, An act legalizing the biennial November, 1940, election in the town of Derry.

The report was accepted.

### **Senate Message**

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 20, An act relative to the oath to be taken by absentee voters.

House Bill No. 38, An act relating to zoning.

House Bill No. 56, An act legalizing the November, 1940, election in the town of Brentwood.

House Bill No. 58, An act legalizing the biennial election of November, 1940, in the town of Derry.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 12, An act relating to town auditors.

### **Senate Bill Read and Referred**

Senate Bill No. 12, An act relating to town auditors.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### **Orders Vacated**

On motion of Mr. Osborne of Concord, the order whereby Senate Bill No. 10, An act relative to town contributions to secondary highways, was referred to the Committee on Revision of the Statutes was vacated and the bill was referred to the Committee on Public Improvements.

Mr. St. Francois of Nashua moved that the orders whereby House Bill No. 339, An act providing for a

state council for defense, House Bill No. 340, An act establishing a state guard, and House Bill No. 341, An act to protect against sabotage, were referred to a Joint Committee of Judiciary and Military Affairs, be vacated, and the bills be referred to the Committee on Military Affairs, and House Bill No. 342, An act relating to explosives was referred to the Joint Committee on Judiciary and Military Affairs, be vacated, and the bill referred to the Committee on Judiciary.

The question being on the motion of Mr. St. Francois.

(Discussion ensued)

On a *viva voce* vote the negative appeared to prevail.

Mr. Lesmerises of Manchester demanded the Yeas and Nays, but subsequently withdrew his demand, and called for a division.

A division being had, 163 members voted in the affirmative, and 187 members voted in the negative, the motion to vacate the reference of the above bills did not prevail.

#### Taken from the Table

On motion of Mr. Osborne of Concord, House Bill No. 95, An act relative to the abolition of a municipal court, was taken from the table.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Mr. Foote of Seabrook spoke for the motion.

Mr. Matson of Concord spoke against the motion.

Mr. Matson of Concord moved that the bill be indefinitely postponed, and asked for a division.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Osborne of Concord spoke against the motion.

A division being had, 88 members voted in the affirmative, and 232 members voted in the negative, and the motion to indefinitely postpone did not prevail.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

### **Introduced to House**

Mr. Charles D. Barnard, father of the Speaker, was introduced to the House.

### **Unfinished Business**

Mr. Coolidge of Bristol called for the unfinished business.

House Bill No. 34, An act relating to sanitary inspectors.

The question being on the motion to substitute the report of the minority, "ought to pass with amendment" for the report of the majority "ought to pass."

(Discussion ensued)

Messrs. Connor of Sutton and Winslow of Chesterfield spoke for the motion.

Messrs. Condon of Newport and Grinnell of Derry spoke against the motion.

On a *viva voce* vote the motion to substitute prevailed.

The question being on the amendment.

Mr. Maley of Newport asked for a division.

A division being had, 240 members voted in the affirmative, and 30 members voted in the negative, the amendment was adopted, and the bill referred to the Committee on Appropriations under the rules.



### Resolutions

Mr. Duncan of Jaffrey offered the following resolution:

*Resolved*, That the Speaker be respectfully requested seasonably to lay before this House an authoritative opinion supporting the right of James C. Hilton of Keene to a seat herein, in view of Article 95, Part 2, of the Constitution of this state, said Hilton now holding an office under the United States.

The question being on the resolution.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Gorham of Manchester:

*Resolved*, that when the House adjourns today it be in memory of the late Arthur W. Chase, father of Stoddard E. Chase, representative from Manchester.

On motion of Mr. Woodbury of Manchester.

*Resolved*, That the House of Representatives heartily congratulate our former Governor, John G. Winant, upon his nomination by the President for the Ambassadorship to Great Britain, and upon his unanimous confirmation by the United States Senate, and the Clerk of the House is hereby authorized to notify Mr. Winant of the action taken.

### Communication

The following letter was read from the Speaker:

February 8, 1941

*Dear Mr. Speaker:*

The Resolutions adopted by the House on Thursday, to signalize my approaching birthday and to express sympathy for the influenza from which I suffer, touch me deeply; and I beg you to present to your colleagues

in the House my warmest thanks for their remembrance of me.

My first experience with the New Hampshire Legislature was in 1889, during the last summer session of the General Court, when I was Secretary to the Governor; and I have remained constantly in touch with that body during all the years intervening except during the period of my residence in Europe.

I have always thought the New Hampshire Legislature to be, despite the awkwardness of its size, one of the most representative legislative bodies in the world; and I have been in close contact with several of the Parliaments of Europe, to say nothing of the years which I spent as a member of the United States Senate.

This opinion of the New Hampshire Legislature is now enhanced by reason of the generous thought which you send; and this action adds greatly to my considered judgment regarding, not only our Legislators, but the body of legislation which they have constantly produced.

Sincerely yours,

GEO. H. MOSES

### **Qualified**

Mr. Langlois of Laconia, having qualified before His Excellency, the Governor, appeared during the session and took his seat as member of the House.

On motion of Mrs. Charois of Greenville at 12:37 o'clock the House adjourned.

### **Afternoon**

The House met at 3:00 o'clock.

### **Third Readings**

On motion of Mr. Guay of Laconia the rules were suspended, and the third reading of bills, by their titles were made in order.

House Bill No 9, An act relating to the incorporation and powers of insurance companies.

House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state.

House Bill No. 89, An act to amend the charter of the Elliot Hospital of the city of Manchester.

House Bill No. 90, An act to amend the charter of Masonic Home.

House Bill No. 105, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 116, An act relating to the salary of the justice of the municipal court of Derry.

House Bill No. 95, An act relative to the abolition of a municipal court.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Hanson of Gilsum at 3:12 o'clock, the House adjourned.

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WEDNESDAY, FEBRUARY 12, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### **Joint Convention**

Pursuant to the resolution adopted by both branches of the Legislature, February 5, 1941, the convention was addressed by Mr. Lichman of Keene as follows:

There can be little doubt that we meet here at one of the most fateful hours in the history of the world. It seems especially fitting, therefore, that we should pause amidst the momentous events that crowd upon us to pay homage to that supremely great American,



born one hundred thirty-two years ago today, who led this nation safely through the darkest previous hour of its history. It is also highly fitting that our memorial this year should be commensurate with the subject in the light of the crisis that faces us. We are very fortunate in being able to do just this. There is probably no man in the State of New Hampshire more thoroughly acquainted with the subject before us, or better able to give expression to it than he who will now speak to us. It gives me great pleasure to introduce the Honorable Harry Lake, member of the New Hampshire Bar, historian, author and orator, who will now address us on his favorite subject—and ours—Abraham Lincoln.

Mr. Lichman of Keene then introduced Mr. Harry F. Lake of Concord, who delivered the following address:

*Mr. Speaker, Your Excellency Governor Blood, Members of the General Court, Ladies and Gentlemen:*

I consider it a distinct honor to address this body of law-makers, for it is a privilege to discuss with you something of the life and character of Abraham Lincoln—a genuine exercise in citizenship.

It is a thrilling experience to stand even within the shadow of a great event. Impressively this thought came to me some time ago as I stood in the small room of the humble house where Abraham Lincoln died. Standing there I could easily believe the fact of the too narrow and too short bed on which his shambling limbs rested that last night; could experience something of the intense anxiety of the watchers by his bedside, which included all the members of his official family, save one, Secretary Seward, who had himself been attacked and seriously wounded in what was intended as a horrible orgy of assassination; could feel something of the agony of Mrs. Lincoln, and her

son, Robert, during their long watch, and finally came to understand afresh and anew the meaning of the words of Mr. Stanton, the iron Secretary of War, who started to leave the room the moment after the President died, but abruptly turned back and standing exactly where I stood, broke the awful silence of the moment by saying,—“There lies the body of the greatest leader of men since the days of the Christ, and now he belongs to the ages.”

Was Abraham Lincoln really a great man, and does he actually belong to the ages?

I am told that in Glasgow, Scotland, as you come down what is known as Soldiers Hill you meet suddenly a heroic statue of Mr. Lincoln. It is a memorial to the soldiers lost out of the Black Watch in the World War.

A few years ago, in the square off Westminster Abbey, where they might have put the figure of any one of a large number of eminent English men, there was dedicated in the presence of a most distinguished gathering of British statesmen the bronze likeness of President Lincoln. In any quarter of the globe, in any country where the yoke of bondage has not yet been entirely lifted, the children playing in the streets will tell that the greatest man of the centuries past is the American Emancipator. You may tell the story of his life to a group of American citizens today, speak on his character to High School boys and girls, and that story may be told and will be received with the same attention, the same feeling, and the same emotion as though told for the first time.

Lloyd George, at unveiling of the Lincoln statue, in Westminster Abbey, August, 1920, said: “I doubt whether any statesman who ever lived sank so deeply into the hearts of the people of so many lands as Abraham Lincoln did. In his life he was a great American. He is one of those giant figures of whom

there are very few in history who lose their nationality in death. They are no longer Greek, or Hebrew, or English, or American, they belong to mankind. I wonder if I will be forgiven for saying that George Washington was a great American, but that Abraham Lincoln belongs to the common people of every land."

The glorious words of Edwin Markham, then, are something more than beautiful poetry,—

"And when he fell in whirlwind he went down  
As when a lordly cedar, green with boughs,  
Goes down with a great shout upon the hills,  
And leaves a lonesome place against the sky."

Was Lincoln actually a great man? Some little time ago Bruce Barton interviewed H. G. Wells, English author and historian, and asked him who the five greatest men of history were, and Mr. Wells replied that they were the Christ of Nazareth, Buddha, Aristotle, Roger Bacon and Abraham Lincoln. In view, therefore, of Mr. Wells' statement, I would like to direct our thought to one phase of his being, one element of his greatness,—his bald, naked, stark, intellectual power. I would like to dwell for a little upon the contribution to his greatness made by the tremendous, irresistible power of his mind.

Now if I am correct in suggesting that Lincoln was one of the outstanding intellectual powers of the nation it is all the more remarkable in view of the tragic shortcomings of his education which, so far as formal study is concerned, might all be encompassed within the space of a single ten months.

In support of my suggestion I would call to your mind a few of the public performances of Mr. Lincoln. We all know that the Republican Party was formed in 1856, and I don't blame anybody for being proud that Mr. Lincoln had a part in that great movement. Its organization was affected, in Illinois, at a meeting held



in Bloomington May 29, 1856. To this organization meeting came delegates of those who had been members of the old Whig Party, then nearly dead, and from the Democrat party came those who were dissatisfied with the traditional position of that party on the question of slavery; likewise came many others from lesser important political groups and parties. It was, one can imagine, a great time for much talk. After many other speeches Lincoln was called upon and he addressed the gathering quite extemporaneously. Hardboiled newspaper men were there to report the proceedings, lawyers, judges, and expert shorthand reporters. Lincoln spoke and after a few minutes the whole crowd stood up in their place, and as though drawn to him by irresistible magnet packed the whole area about him. They stood on the chairs and settees, newspaper men and shorthand reporters, not knowing they had done it, threw down their pencils, all stood in a perfect abandon of fascination and listened to the end, and that day not one enduring scratch of a pen took down a word Mr. Lincoln said. Such was the overwhelming power, the tremendous effect of his logic and his oratory. This has gone down in history as Lincoln's lost speech—never taken down or reproduced except as almost on a thousand occasions he reproduced in part its sentiments and arguments. Where in recorded history do you find a duplicate of this remarkable incident?

His debate with Douglas two years later is a story that is well known. Nobody but a man sure of himself could have issued that challenge and nobody but a giant, in mind, could have carried it on. Douglas was the greatest man of his time. For the ten years that followed the death of Webster, Clay and Calhoun Mr. Douglas occupied the center of the stage of American political life, and dominated that stage from that position. It was this sort of a man that the obscure fron-

tier lawyer, with colossal nerve, challenged to the greatest political debate of all time. When Lincoln went into the debate he was hardly known outside of Illinois—at its conclusion he was known at every hearth side in America. Lincoln won the debate—Douglas won the election—but it may be fairly said that though the world knows that Douglas spoke, the world today also knows what Lincoln said.

However, it was this series of speeches that made it possible for Lincoln to receive the invitation to speak in New York in 1860. It was intended that he should speak in the church of Henry Ward Beecher, but the matter gained in importance as time went on, and finally after a Sunday in attendance at Mr. Beecher's church the address planned on was delivered before a crowded house at Cooper Union. For two hours, without a suggestion of the frontier lawyer and stump speaker of the West Mr. Lincoln, in the most exhaustive and thorough going and important speech that up to that time had been made in America on the subject of slavery, addressed the most critical audience that could have gathered in America. He captivated this audience, and such men as William H. Seward, Horace Greeley, Thurlow Weed and William Cullen Bryant, who presided.

After the speech these New Yorkers, perhaps remembering the hypnotic fascination that embraced the audience at the time of the Bloomington speech, and apparently feeling themselves to be well above that sort of thing, made up their minds to test this speech that this man from the West had made, and so a committee of scholars was formed to examine that address—to criticize it—to analyze it and to report upon its worth. This they did, and presently they reported, and among other things said that the speech was utterly incredible for the accuracy of its statements and for its wide range of knowledge. That address

made him finally to be President of the United States, and was, I think, the intellectual apex of his life, and if anybody cares for my opinion I would say that the two greatest speeches ever made on American soil were the speech of Webster in reply to Hayne in the Senate of the United States, January 26, 1830, and that of Abraham Lincoln in New York, February 27, 1860.

In a little over one year from this time Lincoln spoke his first inaugural to the nation. I wish to repeat one comment made upon it. Many had assumed that Mr. Seward, chosen to be Secretary of State, would write that address, but just as it was concluded, Jeremiah S. Black of brilliant mental endowment, who was first Attorney General, and then Secretary of State in Buchanan's cabinet, who furnished nearly all the brains, as well as most of the badness of that administration, who had himself believed this story of Seward's writing the inaugural, and held Lincoln in deep contempt, suddenly burst upon a company of his boon companions and said, "Gentlemen, we have greatly underestimated this man from Illinois. Mr. Seward did not write that speech, only one man in America could write that speech and that is Mr. Lincoln himself. Gentlemen, we shall soon find out that he is the brainiest man in this country."

I suppose that volumes almost have been written of the Gettysburg speech,—all the way from those who prove that it was casually written upon the back of an envelope while on the way from Washington to Gettysburg, to those who say that over a period of time it was composed and written with meticulous care. Without doubt it was carefully written, and then revised the night before its delivery. Now, there is one thing that is unique about this address, and that is the kind and character of the speech, itself. Other men improve their technique by practice. A clergy-



man preaches from time to time—his mind goes along the same way. The effort and the effect toward the same end is cumulative. He improves himself until he becomes impressive. A lawyer may make many addresses to the court or jury—does it constantly and finally with tremendous effect, until it may be said of one as Samuel McCall said of Webster, that his address to the jury in the White murder case in Salem, Massachusetts, in 1830, was the greatest speech ever delivered to a jury in the history of the world. Each proceeds in general along his own respective way,—practice makes perfect. But the unique thing in the Gettysburg address is that while Lincoln made literally hundreds of addresses before, he never made one like this.

Lincoln made many kinds of speeches. Many of his political speeches are a matter of record; some of his state papers are preserved in the pride and memory of his countrymen; whoever has been in a court room can imagine the nature of his addresses to the jury. Not long before his election to the Presidency, Lincoln sought to repair his broken fortunes by entering the lecture field, but the attempt was a failure. As an eulogist he was not impressive. At an early age he was asked to speak at the funeral of Bowling Green, his old friend, but soon he broke down, and in confusion left the room. In mature age he delivered an eulogy to the memory of Henry Clay—his hero. It was not important. He had done nothing before in his life like the Gettysburg speech. Great as it is, it stands in kind utterly alone among the products of his mind.

Read that speech of Lincoln, ten sentences, two hundred and seventy-three words. There is the giant mind and the swelling heart. No wonder the University of London adopted it as the one purest specimen of English spoken on this side of the Atlantic.

This address of Lincoln, child of mind and heart, will live till language is no more spoken—till all lips are dust.

As you think of this Gettysburg speech, you are amazed at its stark perfection. As though it were an inspired Psalm of David, or a prophecy of Isaiah, you would give over the attempt to take one word out of its two hundred seventy-three, or to add one word thereto. May I add one word as to the worth and the enduring place of this address? Lord Curzon, Chancellor of the University of Oxford University, in an address November 6th, 1913, to his students, declared that the three most sublime masterpieces of English eloquence are the Gettysburg address, and the Second Inaugural of President Lincoln, and the toast offered by Mr. Pitt to the people of the British Empire upon the occasion of the Victory of Lord Nelson at Trafalgar. And so it came to this, that this child of the wilderness, in a schoolhouse for less than ten months, came at last to teach all the intellectuals, and all the scholars in all the Anglo-Saxon world how best to use their own mother tongue. Let that fact be taken into account when we come to appraise the intellectual power of Abraham Lincoln.

There is one phase of Lincoln's character that to me is important, and that is his apparent loneliness,—that crust of reserve and reticence that could not be broken through. The most companionable of men, there were times of loneliness nearly every day, and sometimes days at a time, that no friendship could share. He was a man apart—and this has been the experience of every great man. Great souls are generally grown in solitude.

It was in the Black Hills of Dakota that Roosevelt developed that peculiar fibre that made him a leader. On that dilapidated piazza of his homestead in the heart of the Adirondacks old John Brown used to stand

in the solitary presence of Mounts Marcy and Whiteface and all those other giants of the Sawtooth Range and there learned to be the man to clash with American slavery. The wide expanding plains and savannahs of Illinois brooded over the wistful but growing spirit of Mr. Lincoln until there he made that moral and mental growth that caused him to be the wonder of his age.

If chosen souls could never be alone  
In deep mid silence open doored to God  
No great thing ever had been dreamed or done.  
The nurse of full grown souls is solitude.

I wish to make one more suggestion regarding Lincoln's intellectual forces. I am reminded that Ulysses S. Grant, after he was President of the United States, made a trip around the world and on his return he said that he had met the great intellects of the world, Gambetti of Italy, Li Hung Chang of China, Bismarck of Germany, and Gladstone of England, but the greatest intellectual power that he had ever met, however, he had seen in the person of Abraham Lincoln.

Such was the intellectual power of Lincoln. Of the qualities of his moral fibre there can be no doubt. And today America's emphasis on Lincoln is America at its best. But the occasion permits of one question—one question to you on whom, as lawmakers with a serious purpose, the prosperity of a sovereign state depends. Does Lincoln today mean anything in especial? I give you the answer—in a single thought, for it is enough. The soul, the career of Lincoln, all that he was, all for which he stood and now stands today mean the Union and the Unity of the American people and the preservation of our democracy as a way of life.

Speaking before the Senate of the State of New Jersey in 1861, Lincoln said of the forefathers:



"I recollect thinking then, boy even though I was, that there must have been something more than common that these men struggled for. I am exceedingly anxious that that thing—that something even more than national independence; that something that held out a great promise to all the people of the world to all time to come—I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made, and I shall be most happy indeed if I shall be a humble instrument in the hands of the Almighty, and of this, His almost chosen people, for perpetuating the object of that great struggle."

A few days ago, the leader of one Democracy sent word to the other Democracy, 3000 miles to the west, "If you will furnish the tools, we will finish the job." This is strictly in line with a letter which Lincoln wrote in the Civil War, when he said, "Let us diligently apply the means, never doubting that a just God in His own good time will give us the rightful result."

There is a scene between President Lincoln and his young Secretary, John Hay, which serves to move one deeply today who reads it. Late at night on the 7th day of May, 1861, Lincoln was sitting on the side of his bed and talking over with young Mr. Hay the matters that were involved in the question of the Civil War's objective, and the President said:

"For my part, I consider the central idea pervading this struggle is the necessity that is upon us of proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail, it will go far to prove the incapacity of the people to govern themselves. Taking the government as we found it, we will see if the majority can preserve it."

It was just two and one-half years after this, that closing his Gettysburg address he spoke solemnly, and we still hope prophetically, of that government of the people, by the people, and for the people, that should not perish from the earth. The two ideas, one expressed in the early days of the war, and that expressed upon the dedication of the Cemetery to those who had fallen in that war, were identical. They both embodied the pure conception of democracy. I say one must be deeply moved when they read that statement of Lincoln's to John Hay because in these times when you listen over the radio, you hear Herr Hitler, the Dictator, with tiresome reiteration proclaim—*I have decided, I have done, I have arranged, I will do, I will conquer*—the will of 80,000,000 of people absorbed into the sinister personality and will of one man. But Mr. Lincoln emphasized the people. Hitler, the pagan, says *I*, but Lincoln, the Christian, says the *people*, the *people*, the *people*.

We may today still thank God for that Government, that Democracy, which as he said—the majority still preserve to us.

I believe that they especially, who make laws in a Democracy, should intimately know the story, the career, the character of those on whose accomplishments they build. They who are now building should know what the builders and the founders before their day have done. I would establish courses in American biography in every school and college in this country. Biography is alive, it is not dead. You learn history from the lives and careers of those who made history. I would then have it that every school boy and girl should know intimately, in detail, the lives of certain men—first the story of a certain Virginian, an Irishman he was, without much education, uncouth in appearance, but when aroused, he, like a shaft of light, was of marvellous eloquence, and set the fires of the

Revolution alight with the proclamation of a new political philosophy that death was preferable to anything less than liberty. Such was Patrick Henry; secondly the career of another Virginian who fashioned his life much after the pattern of an English gentleman, was rich, but for the sake of the American colonists became poor, and at last led those colonists to the most amazing victories against the combined powers of the British Empire; the third would be the story of John Marshall, master interpreter of the Constitution, on which has rested our prosperity of the past, and on which shall rest that illimitable prosperity which, please God, is yet to come. And finally as an exercise in citizenship, to strengthen and make secure the bonds of democracy, I would have them know the story of Abraham Lincoln, child of the prairie and the wilderness, without formal education, without name, fame or diplomatic career or official training was called to a position of supreme importance, on whom rested the destiny of a republic. And at last came to be the sixteenth president of the United States and is now of deathless name and fame.

On motion of Mr. Matson of Concord.

*Resolved*, That the convention express to Mr. Lake their appreciation for his address delivered this day in honor of the birthday of Abraham Lincoln.

On motion of Senator O'Reilly of District No. 17, the convention rose.

## House

### Leaves of Absence

Mr. Bills of Amherst was granted leave of absence for the week on account of illness.

Mr. Daniels of Manchester, Ward 1, was granted leave of absence for the day on account of illness.



Messrs. Shedd of New Boston, Mason of Keene and Riel of Franklin were granted leaves of absence for Thursday, on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 12, An act legalizing the November election in the town of Fremont.

The report was accepted.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 148, An act relative to transportation of scholars, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Wilcox of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 106, An act relative to jury trials, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 17, An act relating to membership of the board of registration in optometry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Matson of Concord, for the Committee on Revision of the Statutes, to whom was referred House

Bill No. 157, An act relative to method of inflicting the death penalty, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tilton of Laconia, Ward 4, for the Committee on Judiciary, to whom was referred House Bill No. 126, An act to amend the charter of Colby Junior College for women, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Duncan of Jaffrey offered the following amendment.

Amend section 2 by striking out the word "section" and by adding at the beginning thereof the words, takes effect, so that the same shall read as follows: 2. *Takes Effect*. This act shall take effect upon its passage.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 92, An act relative to the Dover Children's Home, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wiggin of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 87, (In New Draft and Title), An act authorizing the Pittsfield school district in the town of Pittsfield to borrow money and to issue serial notes or bonds, reported the same in new draft and with new title, with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 30, (In New Draft), An act relating to trust funds, reported the same in new draft with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sturtevant of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 16, An act relating to cost of briefs in the Supreme Court, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the amending clause and inserting in place thereof the following: 1. Amend section 28, chapter 315 of the Public Laws by striking out said section and inserting in place thereof the following: Amend section 2 by striking out the words "upon its passage" in line 1 and inserting in place thereof the words and figures, April 1, 1941, so that said section as amended shall read as follows: 2. This act shall take effect April 1, 1941.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Palmer of Plaistow, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 99, An act relating to vital statistics, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word "fifteen" in the second line and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows:

1. *Fees.* Amend section 11, chapter 285 of the Public Laws, as amended by chapter 61 of the Laws of 1929, by striking out in the fourth line the word "twenty-five" and inserting in place thereof the word, fifty, so



that said section as amended shall read as follows:

11. *Fees.* The town shall pay the following fees for services required by this chapter: to a person who makes return of a birth, marriage or death, twenty-five cents; to the town clerk for receiving, recording and returning the facts, fifty cents.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 185, An act relative to the purchase of milk for resale or manufacture, reported the same in a new draft with the recommendation that the bill in its new draft be recommitted to the Committee on Agriculture.

The report was accepted, and the bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Agriculture.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 143, An act to prevent public officials from buying property from themselves for the city, county or state, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the Committee on Revision of the Statutes.

The report was accepted, and the bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Revision of the Statutes.

Mr. Riel of Franklin, for the special committee consisting of the delegation from the city of Franklin to whom was referred House Bill No. 120, An act relating to the city charter of Franklin, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Resolution

On motion Mr. Batchelor of Keene.

*Resolved*, That the Clerk be instructed to procure in pamphlet form, the usual number of printed copies of the address delivered by Mr. Lake.

### Concurrent Resolution

Mr. Wadleigh of Milford offered the following concurrent resolution.

*Resolved*, by the House of Representatives, the Senate concurring, that a cordial invitation be extended to our former Governor, Honorable John G. Winant, to address us in convention assembled, at his convenience, in appreciation of the honor bestowed upon New Hampshire in the appointment of Mr. Winant to the important and difficult post of Ambassador to the Court of St. James's at London, England.

On a *viva voce* vote the resolution was adopted.

### Orders Vacated

On motion of Mr. Osborne of Concord.

The order whereby the following house bills were referred to the Committee on Revision of the Statutes be vacated and referred to the designated committees.

House Bill No. 72, An act relating to sales; investments by trustees of estates. Referred to the Committee on Judiciary.

House Bill No. 222, An act authorizing application to the court of probate by fiduciaries or beneficiaries of trust funds. Referred to the Committee on Judiciary.

House Bill No. 223, An act relating to investments by fiduciaries. To the Committee on Judiciary.

House Bill No. 323, An act exempting orphans from property taxation. To the Committee on Ways and Means.

On motion of Mrs. Bixby of Berlin, at 12:05 o'clock the House adjourned.

### Afternoon

The House met at 3:00 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles was made in order.

House Bill No. 16, An act relating to cost of briefs in the Supreme Court.

House Bill No. 30 (in new draft), An act relating to trust funds.

House Bill No. 87, (in new draft and new title), An act authorizing the Pittsfield school district in the town of Pittsfield to borrow money and to issue serial notes or bonds.

House Bill No. 92, An act relative to the Dover Children's Home.

House Bill No. 99, An act relating to vital statistics.

House Bill No. 126, An act to amend the charter of Colby Junior College for women.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Neal of Meredith at 3.14 o'clock the House adjourned.

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THURSDAY, FEBRUARY 13, 1941.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.



### Leaves of Absence

Messrs. Boynton of Hillsborough, and Studley of Rochester were granted leaves of absence for the day on account of important business.

Mr. Guay of Laconia was granted leave of absence for next week on account of state business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11 o'clock.

### Committee Reports

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 135, An act ameliorating the burden of taxation on elderly widows, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 36, An act relating to the open season for taking deer in Coos county, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 45, An act relating to documents in the office of the insurance commissioner, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 178, An act relative to State and State aid highways and trunk lines, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 286, An act relative to grading of eggs, reported the same, in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Agriculture.

The report was accepted.

The bill, in new draft, was read a first and second time, laid upon the table to be printed and recommitted to the Committee on Agriculture.

Mr. Pulsifer of Campton, for the Committee on Agriculture, to whom was referred House Bill No. 139, An act relating to the New Hampshire building at the Eastern States Exposition, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the second paragraph of section 1 by striking out the whole of said paragraph and inserting in place thereof the following: 4b. Under the direction of the Commission any state department, state and regional association or organization or state educational institution may occupy space in said building, free of charge, for the purpose of exhibiting the resources, products and general development of the state or advertise or promote its agricultural, industrial, educational, headth and recreational assets and possibilities.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 230, An act relating to Labor Day, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the recommendation of the committee that it is inexpedient to legislate.

(Discussion ensued)

Mr. Comi of Concord moved that the bill, and its accompanying report be laid upon the table, but subsequently withdrew his motion.

The question being on the recommendation of the committee.

(Discussion ensued)

Mr. Comi of Concord spoke against the motion.

Mr. Osborne of Concord spoke against the motion.

Mr. Wadleigh of Milford moved that the bill, and its accompanying report, be laid upon the table.

On a *viva voce* vote the bill, and its accompanying report, were laid upon the table.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 63, An act relative to property taxes of widows, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

On motion of Mr. Hunter of Hanover the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.



Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 348, An act relating to housing, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Resolved*, by the House of Representatives, the Senate concurring, that a cordial invitation be extended to our former Governor, Honorable John G. Winant, to address us in convention assembled, at his convenience, in appreciation of the honor bestowed upon New Hampshire in the appointment of Mr. Winant to the important and difficult post of Ambassador to the Court of St. James's at London, England.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens.

Read a first and second time, and referred to the Committee on Claims.

**Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles were made in order.

House Bill No. 45, An act relating to documents in the office of the insurance commissioner.

House Bill No. 178, An act relative to State and State aid highways and trunk lines.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Lazure of Berlin at 11:40 o'clock the House adjourned.

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SATURDAY, FEBRUARY 15, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, February 15, 1941.

Mr. Frank L. Laird,  
Canterbury, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

On motion of Mrs. Sara E. Otis of Concord, the House adjourned.

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TUESDAY, FEBRUARY 18, 1941.

The House met according to adjournment.

### Joint Convention

Pursuant to the resolution adopted by both branches of the Legislature, February 12, 1941, former Governor John G Winant, ambassador to the Court of St. James's, London, England, was introduced to the Convention and delivered the following address.

*Governor Blood, Mr. Speaker, Members of the General Court:*

No compliment you could have paid me could mean more to me than to meet with you in these Legislative Halls before leaving for England.

A quarter of a century has gone by since I first served, as you are now serving, as a member of the General Court.

Nothing is more real to me than the memory of those with whom I worked here.

More than once I have told you, that what we do alone is of little importance, because what we accomplish is always measured by what others can do in relation to it.

There is nothing today in my opinion that means so much to this great country as unity in support of right action. Everybody counts. What we do together, can never fail.

It was here that I learned, in the years of the depression, that the social and economic problems that we faced, reach beyond state lines and across national frontiers. It was because I understood that, and because I realized that security, a stabilized economy and peace were essential to the happiness of all people everywhere, that whether in Washington or in Europe I felt that I was still working for you here at home.

We know that the frontiers of democracy have been receding and the fundamental principles upon which this country rests have been challenged by those who would replace with force "Government by consent."



I can illustrate what I mean quite simply. Some days before the invasion of Czecho-Slovakia, I visited there. Immediately following the invasion the students protested, not differently than students might demonstrate here in America. Six students were shot by the invaders, the other undergraduates were placed on forced labor. The University was closed.

For nearly five years now I have worked for an organization in which there is a representation of employers, labor, and of government. Many of the men with whom I have associated in the past have been killed or imprisoned, and the right to organize has been denied all those workers in those countries which have been invaded.

Just before the battle of Paris I was taken to Geneva by automobile. I saw not hundreds, but thousands upon thousands of refugees; of farmer folk who worked all their lives for what little they had and who had been driven out by the invaders. That is what happened to youth and that is what happens to workers and employers as well and to their organizations, and that is what happens to farming people who come under the heel of the invader.

And then there is another thing that I think we all realize today and I think it can't be said too often. The pillars of our Republic, the sinews of democracy have to do with the right of free speech, the right to peaceably assemble, the right of the free press, habeas corpus, the right of a man to his own body and trial by jury, the right to worship according to our conscience.

In the aggressor countries and in every country dominated by the aggressor countries, all these rights have been wiped out. There is no right of free speech, no right to assemble peaceably, no right of free press.

All men subject to arrest at will, no trial by twelve men good and true, no trial by peace.

All those things that men have fought for here in this country; all those things that have made America what it is, those things have been wiped out in Europe. We are today the "arsenal of democracy," the service of supply against the aggressor nations.

England has asked that we give them the tools that they "might finish the job." We can stand with them as free men in the comradeship of hard work, not asking but giving, with unity of purpose in defense of liberty under law, of government answerable to the people.

With God's will and a just cause, we can do no less.

There is only one thing I would ask of you and that is to believe me when I say that wherever I may be in the world, this is forever home to me.

### Resolutions

On motion of Mr. Matson of Concord.

*Resolved*, That the Senate and House of Representatives in convention assembled this 18th day of February, 1941, has listened with gratification to the message of Hon. John G. Winant, our former Governor and now Ambassador to the Court of St. James's in London, England, and hereby express to him the high esteem in which we hold him.

On motion of Mr. Wadleigh of Milford.

*Resolved*, That the Clerk be instructed to procure the usual numbers of printed copies, in pamphlet form, of the address of former Governor John G. Winant, Ambassador to the Court of St. James, London, England.

On motion of Senator O'Reilly of District No. 17, the convention rose.

## House

### Leaves of Absence

Mr. Plourde of Nashua was granted leave of absence until further notice on account of illness.

Mr. St. Francois of Nashua was granted leave of absence for the week on account of important business.

Mr. Shedd of New Boston was granted leave of absence for Wednesday and Thursday on account of important business.

### Committee Reports

Mr. Nelson of Winchester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 249, An act relating to the taking of hares and rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Nelson of Winchester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 224, An act relating to the taking of hares and rabbits in Coos county, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 75, An act relating to persons and property liable to taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 12,



Joint resolution in favor of Guy O. Hollis, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 158, An act relating to smoking on the White Mountain National Forest, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred Senate Bill No. 10, An act relative to town contributions to secondary highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Introduced to House

Hon. Orin V. Henderson of Durham, former Speaker of the House and former Executive Councilor, was introduced to the House.

### Committee Reports

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 349, An act to authorize the Conway Village Fire District to pay to Charles F. Robinson compensation for personal injuries under the provisions of chapter 195 of the laws of 1939, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 350, An act establishing a trade school in the city of Manchester, with the recommendation that the bill be referred to the Committee on Education.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Education.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 351, An act relating to the nomination of candidates by petition, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton county of funds remaining in the hands of the State Treasurer to the credit of the town of Livermore, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 121, An act relating to service exemption from taxation, reported the same in new draft and with a new title, with the recommendation that the bill in its new draft and with its new title be recommitted to the Committee on Ways and Means.

The bill in its new draft and title was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Ways and Means.

Mr. Bass of Peterborough, for the Committee on Judiciary, to whom was referred House Bill No. 347, An act providing for the payment of notes in anticipation of taxes in the town of Sandown, reported the same with the recommendation that the bill ought to pass in new draft and with new title.

The bill, in its new draft and title, was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.

Mr. Grinnell of Derry moved that the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Grinnell.

(Discussion ensued.)

Mr. Grinnell of Derry spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 11, Joint resolution in favor of the estate of Clara B. C. Rose otherwise known as Clara B. Rozewski, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of four hundred seventy-five dollars (\$475) be and hereby is allowed John H. Colby, Executor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski, late of Manchester, the said sum being overpayment of inheritance tax by said estate to the state of New Hampshire. The governor is hereby authorized to draw his warrant for



said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Nelson of Winchester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 169, An act relative to the open season on rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Moore of Bradford moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued.)

Mr. Moore spoke in favor of the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Moore called for a division.

A division being had the Speaker declared the vote manifestly in the negative, and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the recommendation of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the recommendation of the committee was adopted.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 29, An act to restrict the authority of the commission of pharmacy and practical chemistry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Duncan of Jaffrey moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued.)

Mr. Duncan of Jaffrey spoke in favor of the motion. Messrs. Winslow of Chesterfield, and Wadleigh of Milford spoke against the motion.

Mr. Cormier of Nashua moved the previous question. The question being

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the negative appeared to prevail.

Mr. Duncan of Jaffrey called for a division.

A division being had 187 members voted in the affirmative and 182 members voted in the negative and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" prevailed.

Mr. Booth of Manchester demanded the yeas and nays and the roll was called with the following result.

Yeas, 201

ROCKINGHAM COUNTY: Stowe, Lake, Goodrich, Fogg of Deerfield, Grinnell, Goodale, Evans of Kensington, Keay, Rousseau of Newmarket, Palmer, Dondero, Canty, McNeil, Holmes, Tucker, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Jackson, Courchene, Cronin, Ackroyd, Lucas, Brennan of Dover, Blanchard, Webster, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Studley, Nutter, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Rollins of Alton, Nichols, Brown of Gilmanton, O'Shan, Tarlson, Langlois, Tilton of

Laconia, Ward 3, Roucher, Tilton of Laconia, Ward 4, Ewing, Neal, Smith of New Hampton, Rogers.

CARROLL COUNTY: Knox, Vittum

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscawen, Laird, Sanborn of Chichester, Coakley, Henry, Fletcher, Sturtevant, Bunten, Upton, Comi, Ford, Lemire, Riel, Douphinett, Whittier, DuDevoir, Lafond, Nelson of Hopkinton, Kenney, Dupont, Perkins, Mock.

HILLSBOROUGH COUNTY: Graham, Edwards, Farwell, Clark of Francestown, Bartlett of Goffstown, Charois, Abbott, Morrill, Gage, Woodbury of Manchester, Dowd, McGowan, Creighton, Dulac, Healy, Benoit of Manchester, Ward 7, Gaumont, Gorham, Benoit of Manchester, Ward 8, Chevrette, Constant, Delisle, Provencher, Roy, Adams of Manchester, Egan, Gilmartin, Grady, Roukey, Aubin, Durette, Huard, Rosseau, Daniel of Manchester, Ward 13, Duval, Desmerises, Turgeon, Carter of Merrimack, Ellison, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Bilodeau, Velishka, Paquette, Shea of Nashua, Betters, Goyette, Sweeney of Nashua, Ward 7, Grandmaison, LeBlanc, Wilcox, Routhillier, Senechal, Shedd, Bigelow, Bass.

CHESHIRE COUNTY: Thomas, Miller, Clark of Harrisville, Duncan, Aldrich, Callahan, Pelletier, Frissell, Lombard, Duffy, Pickett, Hale of Rindge, Blake, Grimes, Doucette.

SULLIVAN COUNTY: Hamlin, Beland, Daly, Decker, Gaffney, Marcotte, Mercier, Murphy, Bailey of Newport, Condon, Kempton, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Brown of Ashland, Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Valia, Gile of Hanover, Cryan of Haverhill, Haley, Oakes, Burby, Adams of Lincoln, Johnson of Monroe, Cushman, Barney, Gilbert, Sawyer.



COOS COUNTY: Collette, Hinchey, Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Brungot, Christiansen, Ramsey, Dugas, Hayes of Berlin, Seymour, Weeks of Colebrook, Chandler, Fraser, Cryan of Lancaster, Morris, Fogg of Milan, Marshall, Hutchins.

Nays, 171

ROCKINGHAM COUNTY: Tuttle, Wyman, Currier, Berthiaume, Corson, Morrison, Fecteau, Bourn, Cilley, Pennell, Robbins of Fremont, Apollett, Merrill of Hampton, Nesmith, Pridham, Patridge, Coleman, Labranche, Prescott, Johnson of Northwood, Sanborn of Nottingham, Barrett, Kittredge, Foote of Portsmouth, Gray, Redden, Yeaton, Schlegel, Burkhardt, Kane of Portsmouth, Barron, Peever.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Hartford, Kennard, Leighton, Smart of Durham, Bartlett of Lee, Longley, Smith of New Durham, Fernald, Hayes of Rochester, Ward 6, Berry.

STRAFFORD COUNTY: Cotton, Philbrick of Belmont, Lord, Merrill of Laconia, Rivers, Hopkins, Pynn.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Morgan, Moore of Bradford, Veroneau, Davis of Concord, Otis, Nash, Clinton, Osborne of Concord, Tilton of Concord. Brunel, Matson, Mayo, Milburn, Bunker, Maxwell, Rounds, Swift, Carr, Freese, Connor, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Wiggin of Bedford, Brown of Goffstown, Wakefield, Gleason, Boynton, Gay of Hillsborough, Lievens, Cummings, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Anderson, Carter of Manchester, Barry, Shea of Manchester, Frain, Kean, O'Neil, Booth, Connolly, O'Connell, Jean, Turcotte, Driscoll, Caron, Conway,

Prince, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Sullivan of Nashua, Ward 4, Cormier, Thompson, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Moore, Winslow, Hanson, Mills, Mason of Keene, Tarbox, Wheeler, Pierce, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Barrows, Witherill, Brigham, Barton, Maley, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Noyes, Clark of Canaan, Hodge, Holden, Hunter, Davison, Dean, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Bell, Merrill of Plymouth, Robbins of Thornton, Morse.

COOS COUNTY: Bixby, Gagnon, Fuller, Parkhurst, Kimball, Ashe, Baldwin, Weeks of Stewartstown.

And the motion to substitute prevailed, and the bill was ordered to a third reading.

Mr. Duncan of Jaffrey moved that the rules be suspended that the bill be made in order for a third reading and final passage, by its title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Duncan of Jaffrey moved that the House reconsider its vote whereby it passed House Bill No. 29, An act to restrict the authority of the Commission of Pharmacy and Practical Chemistry.

On a *viva voce* vote the motion to reconsider did not prevail.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 42, An

act relative to qualifications for the practice of pharmacy, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Woodbury of Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued) .

Messrs. Woodbury of Manchester, Pickett of Keene and Prince of Manchester spoke in favor of the motion.

Mr. Winslow of Chesterfield and Mrs. Otis of Concord spoke against the motion.

Mr. Myhaver of Peterborough moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the negative appeared to prevail.

Mr. Woodbury of Manchester called for a division.

A division being had 143 members voted in the affirmative and 148 members voted in the negative, and the motion to substitute did not prevail.

Mr. Woodbury of Manchester demanded the yeas and nays, and the roll was called with the following result:

Yeas 183

ROCKINGHAM COUNTY: Stowe, Lake, Fogg of Deerfield, Grinnell, Morrison, Palmer, Canty, McNeil, Holmes, Tucker, Jewell of Stratham.



STRAFFORD COUNTY: Jackson, Courchene, Cronin, Shaheen, Ackroyd, Lucas, Brennan of Dover, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Studley, Nutter, Habel;

BELKNAP COUNTY: Nichols, Brown of Gilmanton, O'Shan, Tarlson, anglois, Tilton of Laconia Ward 3, Roucher, Tilton of Laconia Ward 4, Neal, Smith of New Hampton;

CARROLL COUNTY: None

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscawen, Moore of Bradford, Sanborn of Chichester, Coakley, Fletcher, Sturtevant, Brunel, Bunten, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Doupchinett, Maxwell, DuDevoir, Lafond, Kenney;

HILLSBOROUGH COUNTY: Graham, Farwell, Clark of Francestown, Bartlett of Goffstown, Wakefield, Charois, Abbott, Morrill, Cummings, Carter of Manchester, Gage, Woodbury of Manchester, Barry, Dowd, Kean, McGowan, Creighton, Dulac, Healy, Connolly, O'Connell, Benoit of Manchester Ward 7, Gaumont, Gorham, Jean, Turcotte, Benoit of Manchester Ward 8, Constant, Delisle, Donnelly, Provencher, Roy, Adams of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Conway, Grady, Roukey, Aubin, Durette, Huard, Prince, Rousseau, Duval, Lesmerises, Turgeon, Carter of Merrimack, Ellison, Landry, Sweeney of Nashua Ward 2, Carrier, Goulet, Trombley, Spaulding, Sullivan of Nashua Ward 4, Velishka, Shea of Nashua, Betters, Goyette, Sweeney of Nashua Ward 7, LeBlanc, Wilcox, Bouthillier, Senechal, Bigelow, Bass;

CHESHIRE COUNTY: Thomas, Miller, Clark of Harrisville, Duncan, Mills, Callahan, Pelletier, Frissell, Lombard, Duffy, Pickett, Grimes, Doucette;

SULLIVAN COUNTY: Beland, Daly, Decker, Gaffney, Marcotte, Mercier, Murphy, Bailey of Newport, Condon, Kempton, Maley, Philbrick of Springfield, Cram.

GRAFTON COUNTY : Brown, of Ashland, Blandin, Coolidge, Sanborn of Enfield, Valia, Cryan of Haverhill, Haley, Burby, Butler, Gile of Lebanon, Guay, of Lebanon, Jette, Adams of Lincoln, Collins of Lisbon, Cushman, Barney, Robbins of Thornton, Gilbert;

COOS COUNTY: Collette, Moffett, Smith of Berlin, Evans of Berlin, Lazure, Brungot, Christiansen, Ramsey, Bixby, Gagnon, Seymour, Fuller, Cryan of Lancaster, Morris, Marshall.

Nays 143

ROCKINGHAM COUNTY: Tuttle, Currier, Berthiaume, Corson, Bourne, Cilley, Robbins of Fremont, Spollett, Merrill of Hampton, Nesmith, Pridham, Patridge, Prescott, Hobbs, Johnson of Northwood, Barrett, Kittedge, Foote of Portsmouth, Gray, Yeaton, Schlegel, Burkhardt, Kane of Portsmouth, Peever;

STRAFFORD COUNTY: Hayes of Barrington, Hartford, Kennard, Leighton, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Fernald, Hayes of Rochester Ward 6;

BELKNAP COUNTY: Cotton, Lord, Merrill of Laco-  
nia, Rivers, Ewing, Pynn;

CARROLL COUNTY: Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Hayes of Tuftonboro, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Morgan, Laird, Veroneau, Davis of Concord, Henry, Otis, Potter, Nash, Osborne of Concord, Matson, Upton, Milburn, Bunker, Whittier, Rounds, Nelson of Hopkinton, Swift, Carr, Freese, Perkins, Connor, Cloues, Mock, Stuart.

HILLSBOROUGH COUNTY: Bills, Wigin of Bedford, Edwards, Brown of Goffstown, Gleason, Boynton, Lievens, Daniels of Manchester, Wigin of Manchester, Shea of Manchester, Frain, O'Neil, Booth, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Wood-

bury of Nashua, Cormier, Shedd, Thompson, Myhaver, Peaslee;

CHESHIRE COUNTY: Moore of Alstead, Winslow, Aldrich, Mason of Keene, Tarbox, Blake, Wheeler, Pierce, Brennan of Westmoreland, Ingham, Nelson of Winchester;

SULLIVAN COUNTY: Higley, Hamlin, Barrows, Brigham, Barton, Mark, Osborne of Sunapee;

GRAFTON COUNTY: Noyes, Pulsifer, Hodge, Gile of Hanover, Holden, Hunter, Davison, Dean, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Bell, Morse, Sawyer;

COOS COUNTY: Dugas, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Fogg of Milan, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.

And the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" prevailed, and the bill was ordered to a third reading.

Mr. Woodbury of Manchester moved that the rules be suspended that the bill be made in order for a third reading and final passage, by its title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Woodbury of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 42, An act relative to qualifications for the practice of pharmacy.

On a *viva voce* vote the motion to reconsider did not prevail.

Mrs. Brungot of Berlin gave notice that on today or some subsequent day, she would move to reconsider the vote whereby the House voted to adopt the report of the Committee on Ways and Means, on



House Bill No. 63, An act relative to property taxes of widows. Inexpedient to legislate.

Mr. Hunter of Hanover moved that the House take a recess for forty minutes.

On a *viva voce* vote the motion did not prevail.

### Committee Report

Mr. Hartford of Dover, for the Committee on Towns and Counties, to whom was referred House Bill No. 124, An act relating to the power of a county delegation to investigate, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Cummings of Lyndeboro offered the following amendment:

Amend said bill by inserting after the word "five" in line 9 the words, "and not over three to be of any one of the two major political parties, provided however, that where there is not sufficient membership of either of the two major political parties, to constitute the required number, the existing membership, if any, of such party shall be recognized according to the provisions of this section in so far as possible."

Further amend said bill by inserting after the word "officer" in line 11 the words, officers; after the word "person" in line 12 the words, or persons, so that said section as amended shall read as follows:

1. Amend section 7 of chapter 35 of the Public Laws by striking out the words "the county commissioners" in the fourth line and inserting in place thereof the words, any county officer, so that said section as amended shall read as follows: 7. *Investigations*. The county may appoint a committee of its own members, not to exceed five, and not over three

to be of any one of the two major political parties, provided however, that where there is not sufficient membership of either of the two said political parties to constitute the required number, the existing membership, if any, of such party shall be recognized according to the provisions of this section in so far as possible, to investigate conditions pertaining to the conduct of county affairs by any county officer, officers or any person or persons appointed or employed by such officer or officers, which committee shall have power to summon witnesses, examine them under oath, secure a transcript of the testimony and do other necessary acts to conduct such an investigation.

The bill with the amendment pending was laid upon the table to be printed.

#### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 114 (in new draft), An act to amend the charter of the city of Laconia and provide for biennial elections.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 13, An act amending Chapter 152 of the Laws of 1899 entitled "An act to Incorporate the Mascoma Savings Bank of Lebanon."

#### **Senate Bill Read and Referred**

Senate Bill No. 13, An act amending Chapter 152 of the Laws of 1889 entitled "An act to Incorporate the Mascoma Savings Bank of Lebanon."

Read a first and second time, and referred to the Committee on Banks.

### Resolution

On motion of Mr. Daniels of Manchester, Ward 1,  
*Resolved*, That the use of Representatives Hall be allowed to the American Legion Auxiliary, Department of N. H., for a meeting of the National Defense Program, on Wednesday, March 5, at 8:00 P. M.

### Resignation

The following resignation was read by the Speaker:  
Hon. Charles H. Barnard,  
Speaker of the House of Representatives,  
Concord, New Hampshire.

DEAR MR. BARNARD:

In view of the fact that a controversial question has been raised with reference to my holding a seat in the House of Representatives while serving as a Clerk for Local Board No. 11, under the Selective Service System, for the best interests of all concerned, I hereby tender my resignation as a member of the General Court.

Respectfully yours,

JAMES C. HILTON.

On motion of Mr. Wiggin of Manchester the resignation was accepted.

On motion of Mr. Myhaver of Peterborough, business in order at 3 o'clock, was made in order at the present time.

### Third Readings

On motion of Mr. Myhaver of Peterborough, the rules were suspended, and the third reading of bills by their titles were made in order.



House Bill No. 158, An act relating to smoking on the White Mountain National Forest.

House Bill No. 347 (in new draft and new title), An act for the payment of notes in anticipation of taxes in the town of Sandown.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 10, An act relative to town contributions to secondary highways.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Morris of Lancaster, at 2:17 o'clock the House adjourned.

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### WEDNESDAY, FEBRUARY 19, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Grinnell of Derry was granted leave of absence for the rest of the week on account of important business.

Mr. Chase of Manchester was granted leave of absence for the week on account of illness.

#### Committee Reports

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 21, Joint resolution relative to dredging a river in the town of Alexandria, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by previous legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 107, An act relative to Endicott Rock Park, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Carter of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 167, An act relative to stock grazing in burial places, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Clark of Canaan, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 215, An act relating to electrical rates charged by utilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 296, An act relating to rights of utilities and consumers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gile of Lebanon moved that the vote whereby the House voted to adopt the resolution of the Committee on Revision of the Statutes, on House Bill No. 296, An act relating to rights of utilities and consumers, that it is inexpedient to legislate, be reconsidered.

On a *viva voce* vote the motion prevailed.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

(Discussion ensued.)

Mr. Gile of Lebanon spoke against the resolution of the committee.

Mr. Gile moved that the bill and its accompanying report be laid upon the table.

On a *viva voce* vote the motion prevailed.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 200, An act relative to the sale of liquor and beverages at places of entertainment, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred House Bill No. 93, An act for relief on bank's petition, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 10, An act in favor of Charles E. Stevens, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend by striking out all after the resolving clause and inserting in place thereof the following: That the sum of three thousand nine hundred and ten dollars and thirty-one cents (\$3,910.31) be and hereby is appropriated for the following purposes; the sum of two thousand dollars to Charles E. Stevens of Warren; three hundred and eighty dollars to Olga Chiaradia, R. N.; six hundred and fourteen dollars to H. C. Pick-



wick, M. D., Lisbon; fifty dollars to D. M. Miller, M. D, Woodsville; forty-seven dollars and fifty cents to F. J. Kasheta, M. D., Warren; four hundred sixty-nine dollars and forty-one cents to Cottage Hospital, Woodsville; one hundred sixteen dollars and five cents to Mary Hitchcock Memorial Hospital, Hanover; two hundred twenty-eight dollars to Hitchcock Clinic, Hanover; expenses on account of an accident suffered by said Charles E. Stevens while working for state on the state highway on June 6, 1939; The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred House Bill No. 91, An act to regulate the payment of dividends by guaranty savings banks, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. Amend chapter 261 of the Public Laws by adding after section 25 the following new section:

26. *Interest Rates.* All savings banks incorporated and doing business upon the guaranty system shall, subject to the provisions of section 19 of this chapter, pay such rate of interest on general deposits as the trustees or directors thereof may vote from time to time.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wiggin of Conway, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 12, An act relating to town auditors, reported the same with the following amendment, and the rec-

ommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. Amend section 26, chapter 47 of the Public Laws by striking out the whole section and inserting in place thereof the following: 26. *Choice: Duties.* All towns may, and all towns except those requesting an audit by the Municipal Accounting Division of the State Tax Commission or which employ a certified public accountant for the purpose, shall at the annual meeting choose one or more auditors who shall carefully examine the accounts of the selectmen, town treasurer, town clerk, clerk or other person acting as clerk of a municipal court, collector of taxes and any other officer or agent handling funds of a town, at the close of each fiscal year and at other times whenever necessary, and report to the town whether the same are correctly cast and well vouched.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 352, An act relating to the construction of an Aerial Tramway on Mt. Sunapee in the town of Newbury, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 353, An act relative to transporting animals by common carriers, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution, No. 51, Joint resolution in favor of Arthur Johnson, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Hartford of Dover, for the Committee on Towns and Counties, to whom was referred House Bill No. 124, An act relating to the power of a county delegation to investigate, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Cummings of Lyndeboro offered the following amendment.

Amend said bill by inserting after the word "five" in line 9 the words, and not over three to be of any one of the two major political parties, provided however, that where there is not sufficient membership of either of the two major political parties, to constitute the required number, the existing membership, if any, of such party shall be recognized according to the provisions of this section in so far as possible.



Further amend said bill by inserting after the word "officer" in line 11 the words, officers; after the word "person" in line 12 the words, or persons, so that said section as amended shall read as follows:

1. Amend section 7 of chapter 35 of the Public Laws by striking out the words "the county commissioners" in the fourth line and inserting in place thereof the words, any county officer, so that said section as amended shall read as follows: 7. *Investigations*. The county may appoint a committee of its own members, not to exceed five, and not over three to be of any one of the two major political parties, provided however, that where there is not sufficient membership of either of the two said political parties to constitute the required number, the existing membership, if any, of such party shall be recognized according to the provisions of this section in so far as possible, to investigate conditions pertaining to the conduct of county affairs by any county officer, officers or any person or persons appointed or employed by such officer or officers, which committee shall have power to summon witnesses, examine them under oath, secure a transcript of the testimony and do other necessary acts to conduct such an investigation.

The question being on the amendment.

Mr. Cummings of Lyndeboro withdrew the amendment.

The question being on the resolution of the committee that the bill ought to pass.

On a *viva voce* vote the resolution of the committee was adopted and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 192, An act to separate the local option vote on "off sale" and "on sale" beverage permits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 192, An act to separate the local option vote on "off sale" and "on sale" beverage permits, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

JOHN C. TILTON,  
KENNETH W. ROBBINS,  
CHARLES P. COAKLEY,  
WILLIAM B. CONNOR,  
*A minority of the Committee.*

The report was accepted.

Mr. Robbins of Thornton moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Robbins of Thornton, Tilton and Coakley of Concord, and Kenney of Loudon spoke for the motion.

Mrs. Brungot of Berlin and Messrs. Holmes of Raymond, Pierce of Walpole and Sweeney of Nashua, Ward 2, spoke against the motion.

Mr. Fecteau of Epping moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* the previous question was ordered. The question being on the motion to substitute.

Mr. Coakley of Concord called for a division.

A division being had, 83 members voted in the affirmative, and 249 members voted in the negative, and the motion to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee, that it is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 76, An act relative to the statements of County Commissioners to the convention.

House Bill No. 96, An act relative to commitment to the State Hospital.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives.

House Bill No. 114 (in new draft), An act to amend the charter of the city of Laconia and provide for biennial elections.

Amend section 3 of said bill by striking out the first six lines and inserting in place thereof the following:  
3. *Mayor*. Amend section 14 of chapter 241 of the Laws of 1893 by striking out the word "annually" in the first line and inserting in place thereof the word, biennially, and by striking out the word "three" in the tenth line and inserting in place thereof the word, five, so that said section as amended shall read as follows:  
Amend section 4 of said bill by inserting after the words "amended by" in the second line the words and figures, section 3, chapter 200, Laws of 1901, chapter 192, Laws of 1903, section 3, chapter 213, Laws of 1903, and. Amend section 5 of said bill by striking out the first three lines and inserting in place thereof the



following: 5. *City Clerk*. Amend section 17 of chapter 241 of the Laws of 1893, as amended by chapter 316, Laws of 1917, chapter 271, Laws of 1921, and chapter 281, Laws of 1931, by striking out the words "first meeting May 3, 1893," and inserting in place thereof the words, meeting on March 25, 1941, and by striking out the word "annually" in the second line and inserting in place thereof the word biennially, so that

On motion of Mr. Tilton of Laconia, Ward 4, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 76, An act relative to the statements of county commissioners to the convention.

Amend section 1 of said bill by striking out the first three lines thereof and inserting in place thereof the following: 1. *Date of Filing*. Amend section 11 of chapter 35 of the Public Laws, as amended by chapter 18 of the Laws of 1931 (section 13, chapter 44, commissioners report)

On motion of Mr. Bell of Plymouth, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 15, An act relative to taking lobsters and crabs.

#### Senate Bill Read and Referred

Senate Bill No. 15, An act relative to taking lobsters and crabs.

Read a first and second time and referred to the Committee on Fisheries and Game.

On motion of Mr. Cilley of Exeter at 12:15 o'clock the House adjourned.

### **Afternoon**

The House met at three o'clock.

### **Third Readings**

On motion of Mr. Blandin of Bath, the rules were suspended, and the third reading of bills by their titles were made in order.

House Bill No. 91, An act to regulate the payment of dividends by Guaranty Savings Banks.

House Bill No. 93, An act for relief on banks petitions.

House Bill No. 124, An act relating to the powers of a county delegation to investigate.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 12, An act relating to town auditors.

Read a third time and passed and sent to Senate for concurrence in the amendment.

On motion of Mrs. Brungot of Berlin at 3:05 o'clock the House adjourned.

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### **THURSDAY, FEBRUARY 20, 1941.**

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### **Joint Convention**

Both branches being in convention, His Excellency, the Governor, introduced Guy Kibbee of Hollywood to the convention.

### Leaves of Absence

Mr. Rollins of Alexandria was granted leave of absence for the day on account of illness.

Messrs. Moore of Alstead, Sawyer of Woodstock and Wiggin of Manchester were granted leaves of absence for the day on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10:00 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11:00 o'clock.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 76, An act relative to statements of county commissioners to the convention.

House Bill No. 96, An act relative to commitment to the State Hospital.

House Bill No. 114, An act to amend the charter of the city of Laconia and provide for biennial elections.

The report was accepted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 150, An act relating to the hours of sale for beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 146, An act relating to the sale of liquor, reported the same with the following resolution:



*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Pulsifer of Campton, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 24, An act relative to the amount of assistance which may be granted to old age assistance recipients, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Johnson of Northwood, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 315, An act relating to old age assistance, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Aldrich of Keene, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 311, An act fixing the amount of old age assistance grants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 60, An act relative to tax exemption for aged persons; reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Condon of Newport, for the Committee on Appropriations, to whom was referred House Bill No. 320, An act relating to the office of Attorney-General, re-

ported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Bill No. 153, An act relative to reinstatement of state officials and employees who enter into the military or naval service of the United States for national defense in the present emergency, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred House Bill No. 54, An act relating to investments of savings banks, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out section 1 and inserting in place thereof the following: 1. Amend sub-section XVII of section 12 of chapter 262 of the Public Laws (Revised Laws, chapter 301, section 12, XVI) by adding after the words "New York" in line 3 the following: "The stock of any national bank or trust company in the United States, being a member of the Federal Reserve System located in a city having a population of 500,000 or more, whose capital stock, surplus and undivided profits total at least \$15,000,000 and whose surplus and undivided profits are at least equal to 50% of its Capital Stock, and which has paid dividends in cash in the last four of its fiscal years on its capital stock at the rate of at least 4% on the par or stated value of the shares," so that said section as amended shall read as follows: XVII. *Other Banks, etc.* The stock of any national bank or trust company located in the New England states outside of New Hampshire,

or in the state of New York; the stock of any national bank or trust company in the United States, being a member of the Federal Reserve System located in a city having a population of 500,000 or more, whose capital stock, surplus and undivided profits shall total at least \$15,000,000 and whose surplus and undivided profits are at least equal to 50% of its Capital Stock, and which has paid dividends in cash in the last four of its fiscal years on its capital stock at the rate of at least 4% on the par or stated value of the shares; but not exceeding ten per cent of the deposits of a savings bank shall be invested in such stock. The amount of such stock which may be held by any savings bank as an investment and as collateral security for loans shall not exceed ten per cent of the total capital stock of such national bank or trust company.

The report was accepted.

Reading of the amendment having commenced, on motion of Mr. Atherton of Nashua, further reading of the amendment was dispensed with.

The amendment was adopted and the bill ordered to a third reading.

Mr. Tuttle of Atkinson, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 19, An act relating to the proceeds of the sale of tax-acquired property, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend chapter 66 of the Public Laws by inserting after section 39 thereof the following new section:

39a. *Profit on Sale.* Whenever a town shall resell property conveyed to it by a collector's deed, the amount received on such sale in excess of the amount of taxes plus interest and costs for which the same was sold, with interest on the whole amount at six



per cent from the date of the deed to the date of receiving the consideration for the resale, plus taxes at the prevailing rate of the town or city for each year during such interim plus necessary maintenance costs expended shall be payable upon demand to the original owner or his representatives in interest, during a period of two years from the date of the deed.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 30, Joint resolution in favor of Mount Washington observatory, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of twelve hundred dollars (\$1,200) be and hereby is appropriated for the year beginning July 1, 1941, and a like sum for the year beginning July 1, 1942, for the Mount Washington observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington, and for other work of said corporation. Said sums shall be paid out upon warrant of the Governor and Council, and shall be a charge upon money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred House Bill No. 140, An act relating to building and loan associations, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out all after the word "with" in the tenth line and inserting in place thereof the words, all other papers relating to the loan, so that said section as amended shall read as follows:

1. *Building and Loan Associations.* Amend chapter 266 of the Public Laws (chapter 305 of the commissioners' report) by inserting after section 9-b, inserted by section 1, chapter 106, Laws of 1937, the following new section: 9-c. *Limitation on Loans.* Not more than \$10,000 shall be loaned on the security of a first lien upon any property. 9-d. *Applications for Mortgage Loans.* No mortgage loan shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and upon report of not less than two members of the board of directors who shall certify on said application, according to their best judgment, the value of the premises to be mortgaged; and such application shall be filed and preserved with all other papers relating to the loan.

Further amend by inserting after section 3 the following new section: 4. Amend section 7 of said chapter 266 by adding after the word "proxy" in the last line thereof the words, Borrowers shall be members, whether they own shares or not, and shall be entitled to vote at any membership meeting, so that said section as amended shall read as follows: 7. *Voting.* Each shareholder shall be entitled to give one vote upon any proposition brought before a meeting of shareholders, and no more; and no shareholder shall vote by proxy. Borrowers shall be members, whether they own any shares or not, and shall be entitled to vote at any membership meeting.

Further amend by striking out the whole of section 2.

The report was accepted.

The bill with the amendments pending was laid upon the table to be printed.

### Correction

House Bill No. 296, An act relating to rights of utilities and consumers, which reads on page 5 of Wednesday's Journal, February 19, as being voted inexpedient to legislate, should read, as being laid upon the table.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 27, An act defining the term distributor under the provisions relative to milk control.

House Bill No. 99, An act relating to vital statistics.

House Bill No. 165, An act relative to labeling commercial feeding-stuffs, for farm live stock.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 5, An act relative to dimming motor vehicle headlamps.

### Senate Bill Read and Referred

Senate Bill No. 5, An act relative to dimming motor vehicle headlamps.

Read a first and second time, and referred to the Committee on Revision of the Statutes.

### Order Vacated

On motion of Mr. Noyes of Bethlehem.

*Resolved*, The order whereby House Bill No. 103,



An act relating to proof of financial responsibility by owners and operators of motor vehicles, was referred to the Committee on Insurance, be vacated, and the bill be referred to the Committee on Judiciary.

### Third Readings

On motion of Mr. Blandin of Bath, the rules were suspended, and the third reading of bills by their titles and joint resolution by its caption were made in order.

House Bill No. 54, An act relating to investments of savings banks.

House Bill No. 153, An act relative to reinstatement of state officials and employees who enter into the military or naval service of the United States for national defense in the present emergency.

House Bill No. 320, An act relating to the office of the Attorney-General.

House Joint Resolution No. 30, Joint resolution in favor of Mount Washington Observatory.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Morris of Lancaster at 11.40 o'clock the House adjourned.

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TUESDAY, FEBRUARY 25, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Mills of Jaffrey, Chase of Manchester, and Jewell of Stratham were granted leaves of absence for the week on account of illness.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 10, An act relative to town contributions to secondary highways.

House Bill No. 9, An act relating to the incorporation and powers of insurance companies.

House Bill No. 27, An act defining the term distributor under the provisions relative to milk control.

House Bill No. 87, An act authorizing the Pittsfield School District in the town of Pittsfield to borrow money and to issue serial bonds or notes.

House Bill No. 105, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities and counties.

House Bill No. 165, An act relative to labeling commercial feeding-stuffs for farm live stock.

House Bill No. 347, An act authorizing the town of Sandown to issue refunding notes or bonds.

The report was accepted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 303, An act relating to the practice of optometry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 191, An act relative to fee for fishing license for women, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 84, An act providing for fishing or hunting or combination fishing and hunting licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 237, An act relating to the assessment of poll taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 118, An act relating to motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Redden of Portsmouth, for the Committee on Coastwise Improvements, to whom was referred House Bill No. 59, An act providing for the improvements at Rye Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Brown of Goffstown, for the Committee on Claims, to whom was referred House Joint Resolution No. 27, Joint resolution in favor of Oliver Hadley, reported the same with the recommendation that the joint resolution ought to pass.



The report was accepted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Prescott of Newton, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 339, An act providing for a state council of defense, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 186, An act relating to poll taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Pulsifer of Campton moved that the bill and its accompanying report be indefinitely postponed.

The question being on the motion of Mr. Pulsifer.

(Discussion ensued)

Mr. Pulsifer of Campton spoke for the motion.

Mr. Tarbox of Marlboro and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Pulsifer of Campton asked for a division.

A division being had, 126 members voted in the affirmative and 224 members voted in the negative, and the motion to indefinitely postpone did not prevail.

The question being, Shall the bill be read a third time?

Mr. Baldwin of Pittsburg offered the following amendment.

Amend said bill by inserting after section 1 the following new section: 2. *Right to Vote*. Amend chapter 23 of the Public Laws (chapter 31 of the

commissioners' report) by adding after section 6 the following new section: 6-a. *Payment of Poll Taxes.* No person shall be considered as dwelling or having his home in any town, for the purpose of voting or being voted for at any meeting, unless prior to such meeting he shall have paid in full any poll tax assessed against him as of April first preceding the day of said meeting.

Further amend said bill by renumbering section 2 to read section 3.

The question being on the amendment.

(Discussion ensued)

Mrs. Brungot of Berlin spoke against the amendment.

On a viva voce vote the amendment was not adopted.

The question being, Shall the bill be read a third time?

Mr. Pennell of Exeter offered the following amendment:

Amend section 1 by adding at the end thereof the following: Provided, that the reduction in age of exemption from poll tax of from 70 to 65 shall apply only to those receiving old age assistance, so that said section as amended shall read as follows:

1. Amend section 1, chapter 60 of the Public Laws by striking out the word "seventy" in line 2 and inserting in its place the words, sixty-five, so that said section as amended shall read as follows: 1. *Persons Liable.* A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to sixty-five years of age, whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any soldier, sailor or marine who served in the army, navy or marine corps in any war in which the United States was engaged, and others

exempt by special provision of law. Provided, that the reduction in age of exemption from poll tax of from seventy to sixty-five shall apply only to those receiving old age assistance.

The question being on the amendment.

(Discussion ensued)

Mr. Pennell of Exeter spoke for the amendment.

Mr. Kempton of Newport spoke against the motion.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 354, An act providing for a deficiency appropriation for aid to needy blind, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 355, An act relating to the control of navigation at Rye Harbor, with the recommendation that the bill be referred to the Committee on Coastwise Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Coastwise Improvements.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 356, An act increasing the debt limit of the school district of Milan, with the recommendation that the bill be referred to the Committee on Judiciary.



The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 357, An act relating to special meetings of county conventions, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Woodbury of Manchester, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 341, An act to protect against sabotage, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 11 of said bill by adding at the end thereof the words, "nor to make strikes illegal" so that the same shall read as follows: 11. *Rights of Labor.* Nothing in this Act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection nor to make strikes illegal.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 336, An act relative to taking brook trout, reported the same with the following amendment, and the

recommendation that the bill as amended ought to pass.

Amend by inserting after section 1 the following new section: 2. *Closed to All Fishing*. In the waters named in section 2 of chapter 201 of the Public Laws, as herein amended, open to fly fishing only, no fish of any kind shall be taken in any manner from October first to May first.

The report was accepted and the amendment adopted.

Mrs. Brungot of Berlin offered the following amendment.

Amend section 4 by striking out the word "fifteen" in the second and fourth line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: 4. *Limits*. During the open season therefor as provided in sections 1, 2 and 3 hereof, no person may take more than twenty brook trout or more than five pounds in weight in one day, provided that so long as he has taken less than twenty in number and less than five pounds in weight he shall be entitled to take one additional fish. No person shall have in his possession at one time more than two days catch of brook trout.

The question being on the amendment.

(Discussion ensued.)

Mrs. Brungot of Berlin spoke in favor of the amendment.

Messrs. Nelson of Winchester, Baldwin of Pittsburg, and Guay of Laconia spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was then ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred House Bill No. 140, An act relating to building and loan associations, reported the same with the following amendment, and the

recommendation that the bill as amended ought to pass.

Amend section 1 by striking out all after the word "with" in the tenth line and inserting in place thereof the words, all other papers relating to the loan, so that said section as amended shall read as follows: 1. *Building and Loan Associations*. Amend chapter 266 of the Public Laws (chapter 305 of the Commissioners' report) by inserting after section 9-b, inserted by section 1, chapter 106, Laws of 1937, the following new sections: 9-c. *Limitation on Loans*. Not more than \$10,000 shall be loaned on the security of a first lien upon any property. 9-d. *Applications for Mortgage Loans*. No mortgage loan shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and upon report of not less than two members of the board of directors who shall certify on said application, according to their best judgment, the value of the premises to be mortgaged; and such application shall be filed and preserved with all other papers relating to the loan.

Further amend by inserting after section 3 the following new section: 4. Amend section 7 of said chapter 266 by adding after the word "proxy" in the last line thereof the words, Borrowers shall be members, whether they own shares or not, and shall be entitled to vote at any membership meeting, so that said section as amended shall read as follows. 7. *Voting*. Each shareholder shall be entitled to give one vote upon any proposition brought before a meeting of shareholders, and no more; and no shareholder shall vote by proxy. Borrowers shall be members, whether they own any shares or not, and they shall be entitled to vote at any membership meeting.

Further amend by striking out the whole of section 2.



The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fecteau of Epping, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 340, An act establishing a state guard, reported the same with amendments, and the recommendations that the bill as amended ought to pass.

Amend Section 1 of said bill by inserting after the word such in the sixth line thereof the word, military. Further amend said section 1 by adding at the end thereof the following: "provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout." so that the same shall read as follows:

1. *Authority.* Whenever any part of the New Hampshire National Guard is in the active service of the United States, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline in training, and otherwise in general conformity with existing law, regulations, rules and practices pertaining to the National Guard, such military forces as he may deem necessary to defend this state from invasion, rebellion, riot or reasonable apprehension thereof. Provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout.

Amend Section 7 of said bill by inserting after the word "rate" in the eighth line thereof a comma and the words base pay, so that the same shall read as follows:

7. *Pay and Allowances.* The provisions of Section 60, Chapter 124 of the Public Laws of New Hampshire, shall not apply to the State Guard, which shall be compensated as follows: For each day's service in complete uniform, when ordered out for duty by command of the governor, except for annual inspection, drill, target practice or special service, each commissioned officer of the State Guard shall be paid at the same rate, base pay, as an officer of like grade in the United States Army; and each enlisted man of the State Guard shall be paid at the rate, base pay, prescribed in Federal pay tables for an enlisted man of like grade in the United States Army.

Amend Section 8 of said bill by inserting after the word "and" in the fourth line thereof the words, the governor, so that the same shall read as follows:

8. *Equipment and Supplies.* For the use of the State Guard, The Adjutant General, with the approval of the Governor and Council, is hereby authorized to purchase such equipment and supplies as may be necessary for the purposes of this Act and the Governor is hereby authorized to requisition, as free or loans, or, if necessary, to purchase outright, from the Secretary of War of the United States, or from such agency of the War Department as may by law be designated, such arms, equipment, supplies, and ammunition as may be in the possession of and can be spared by the United States government.

The undersigned, a minority of the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 340, An act establishing a state guard,

and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FRANCIS P. CALLAHAN,  
*A Minority of the Committee.*

The reports were accepted.

The bill with the amendments pending was laid upon the table to be printed.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 9, An act relating to the incorporation and powers of insurance companies.

House Bill No. 53, An act to increase the amount of property that St. Mary's School for Girls may own.

House Bill No. 87 (in new draft and new title), An act authorizing the Pittsfield School District, in the town of Pittsfield, to borrow money and to issue serial notes or bonds.

House Bill No. 105, An act providing for an extension of the act relative to the issuance with state guarantee of emergency notes and bonds by towns, cities, and counties.

House Bill No. 126, An act to amend the charter of Colby Junior College for women.

House Bill No. 347 (in new draft and new title), An act authorizing the town of Sandown to issue refunding notes and bonds.

The message also announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 12, An act relating to town auditors.



### Taken from Table

On motion of Mr. Gile of Lebanon, House Bill No. 296, An act relating to rights of utilities and consumers, was taken from the table.

The question being on the report of the committee that it is inexpedient to legislate.

Mr. Gile of Lebanon moved that the bill be recommitted to the Committee on Revision of the Statutes.

The question being on the motion of Mr. Gile.

(Discussion ensued)

Mr. Osborne of Concord spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was recommitted to the Committee on Revision of the Statutes.

### Reconsideration

Mr. Carroll of Manchester moved that the House reconsider the vote whereby it voted, inexpedient to legislate, on House Bill No. 315, An act relating to old age assistance.

The question being on motion to reconsider.

(Discussion ensued)

Messrs. Carroll of Manchester, Seymour of Carroll, O'Shan of Laconia, Hayes of Barrington, Bresnahan of Manchester, and Connelly of Manchester, and Mrs. Brungot of Berlin and Mrs. Cooper of Nashua spoke in favor of the motion.

Messrs. Palmer of Plaistow, Myhaver of Peterborough, Wiggin of Manchester, Morrison of Derry, Sanborn of Enfield, Osborne of Sunapee, and Lievens of Hollis spoke against the motion.

Mr. Cormier of Nashua moved the previous question. The question being

Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to reconsider.

On a *viva voce* vote the motion did not prevail.

Mr. Lesmerises of Manchester demanded the yeas and nays and the roll was called with the following result.

### Nays 186

ROCKINGHAM COUNTY: Tuttle, Lake, Wyman, Goodrich, Fogg of Deerfield, Berthiaume, Grinnell, Morrison, Bourn, Goodale, Pennell, Spollett, Merrill of Hampton, Evans of Kensington, Nesmith, Pridham, Patridge, Coleman, Prescott, Johnson of Northwood, Sanborn of Nottingham, Palmer, Redden, Yeaton, Cauty, Tucker, Peever, Foote of Seabrook;

STRAFFORD COUNTY: Hayes of Dover, Kennard, Leighton, Blanchard, Bartlett of Lee, Longley, Hale of Rochester, Studley, Fernald, Nutter;

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Brown of Gilmanton, Tilton of Laconia Ward 3, Merrill of Laconia, Neal, Pynn, Woodman;

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Nickerson, Banfield, Smart of Ossipee, Knox, Young, Thibodeau of Wolfeboro;

MERRIMACK COUNTY: Phelps, Morgan, Sanborn of Chichester, Davis of Concord, Henry, Otis, Potter, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Matson, Upton, Ford, Milburn, Bunker, Maxfield, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Perkins, Connor, Cloues, Mock, Stuart;

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Brown of Goffstown, Wakefield, Gleason, Boynton, Gay of Hillsborough, Lievens, Cummings, Daniels of Manchester Ward 1, Knowlton, Wiggin of Manchester, Anderson,

O'Neil, Betley, O'Connell, Duval, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Woodbury of Nashua, Shedd, Thompson, Bass, Myhaver, Peaslee, Dugan;

CHESHIRE COUNTY: Moore of Alstead, Winslow, Thomas, Hanson, Clark of Harrisville, Duncan, Aldrich, Frissell, Mason of Keene, Duffy, Tarbox, Hale of Rindge, Blake, Grimes, Pierce, Ingham, Nelson of Winchester;

SULLIVAN COUNTY: Higley, Witherill, Barton, Condon, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee;

GRAFTON COUNTY: Rollins of Alexandria, Blandin, Noyes, Coolidge, Pulsifer, Clark of Canaan, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Oakes, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Bell, Robbins of Thornton, Morse, Sawyer;

COOS COUNTY: Smith of Berlin, Fuller, Parkhurst, Emerson of Dalton, Chandler, Kimball, Morris, Fogg of Milan, Marshall, Baldwin, Hutchins, Taylor;

#### Yeas 178

ROCKINGHAM COUNTY: Stowe, Corson, Robbins of Fremont, LaBranche, Rousseau of Newmarket, Dondero, Kittredge, Foote of Portsmouth, Gray, McNeil, Schlegel, Burkhardt, Holmes;

STRAFFORD COUNTY: Hayes of Barrington, Jackson, Courchene, Cronin, Shaheen, Hartford, Ackroyd, Lucas, Brennan of Dover, Webster, Smith of New Durham, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Hayes of Rochester Ward 6, Nadeau of Somersworth;

BELKNAP COUNTY: Philbrick of Belmont, O'Shan, Tarlson, Guay of Laconia, Langlois, Roucher, Tilton



of Laconia Ward 4, Ewing, Hopkins, Smith of New Hampton, Rogers;

CARROLL COUNTY: Huntress, Hayes of Tuftonboro, Jewell of Wolfeboro;

MERRIMACK COUNTY: Guilbeault, Carter of Boscawen, Moore of Bradford, Laird, Coakley, Veroneau, Clinton, Mayo, Comi, Lemire, Riel, Douchinett, Whittier, DuDevoir, Lafond, Boisvert;

HILLSBOROUGH COUNTY: Farwell, Bartlett of Goffstown, Charois, Abbott, Morrill, Carter, Gage, Woodbury of Manchester, Barry, Bresnahan, Dowd, Sullivan of Manchester, Frain, Kean, McGowan, Creighton, Dulac, Booth, Connolly, Benoit of Manchester Ward 7, Gaumont, Gorham, Jean, Tessier, Turcotte, Benoit of Manchester Ward 8, Chevrette, Constant, Delisle, Donnelly, Kane of Manchester, Provencher, Roy, Adams of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Conway, Roukey, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester Ward 13, Lesmerises, Turgeon, Cooper, Davis of Nashua, Landry, Sweeney of Nashua Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua Ward 4, Bilodeau, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Bigelow;

CHESHIRE COUNTY: Batchelor, Callahan, Pelletier, Lombard, Lichman, Sayers, Pickett, Wheeler, Doucette, Brennan of Westmoreland;

SULLIVAN COUNTY: Beland, Daly, Decker, Gaffney, Marcotte, Brigham, Bailey of Newport, Kempton, Cram;

GRAFTON COUNTY: Brown of Ashland, Haley, Burby, Butler, Guay of Lebanon, Jette, Barney, Gilbert;

COOS COUNTY: Hinchey, Mason of Berlin, Moffett, Evans of Berlin, Lazure, Lemieux, Studd, Brungot,

Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Ashe, Weeks of Stewartstown.

And the motion to reconsider did not prevail.

### Resolution

Mr. O'Shan of Laconia offered the following resolution:

*Resolved*, That a committee of five be appointed by the Chair to investigate old age assistance in the state of New Hampshire and report to this session.

The question being on the resolution.

(Discussion ensued)

Messrs. O'Shan of Laconia, Comi of Concord and Foote of Seabrook spoke in favor of the resolution.

Mr. Tilton of Laconia, Ward 4, spoke against the resolution.

Mr. Tilton asked for a division.

A division being had, 153 members voted in the affirmative and 182 members voted in the negative, and the resolution was not adopted.

Mr. O'Shan of Laconia demanded the yeas and nays.

Mr. Wadleigh of Milford moved that the House adjourn.

Mr. Lesmerises of Manchester demanded the yeas and nays.

Mr. Wadleigh withdrew his motion to adjourn.

Mr. Lesmerises withdrew his demand for the yeas and nays.

Mr. O'Shan of Laconia withdrew his demand for the yeas and nays, and the resolution was not adopted.

On motion of Mr. Wiggin of Manchester business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Wiggin of Manchester, the rules were suspended, and the third reading of bills, by their title, made in order.

House Bill No. 140, An act relating to building and loan associations.

House Bill No. 186, An act relating to poll taxes.

House Bill No. 336, An act relative to taking brook trout.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Resolutions

On motion of Mr. Wiggin of Manchester,

*Resolved*, The use of Representatives' Hall be granted to the Joint Committee on Judiciary and Liquor Laws for a public hearing on House Bill No. 318, An act establishing a state liquor control commission, at 2:30 o'clock this afternoon.

Mrs. Cooper of Nashua offered the following resolution:

*Whereas*, We have learned of the misfortune of our colleague, Charles M. Mills, of Jaffrey, who is in the hospital as the result of an automobile accident, therefore be it

*Resolved*, That we express to him our deepest sympathy, and our best wishes for a speedy recovery, and be it further

*Resolved*, That the Clerk be instructed to send flowers to Mr. Mills.

The resolution was unanimously adopted.

On motion of Mr. Bell of Plymouth at 1:31 o'clock the House adjourned.



WEDNESDAY, FEBRUARY 26, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leave of Absence

Mr. Reynolds of Greenfield was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Tilton of Laconia, Ward 4, for the Committee on Judiciary, to whom was referred House Bill No. 254, An act relating to the American Flag, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 128, An act relative to discontinuance of highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 125, An act relating to elections in the town of Belmont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 304, An act relating to damage to automobiles by deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 112, An act relative to license fees for taking fish and game, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 332, An act relating to the marking of ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Young of Wakefield, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 198, An act relating to the form for applications for motor vehicle registration and operators' licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Robbins of Thornton, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 294, An act relating to the age limit of drivers of automobiles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 209, An act relative to the powers of the state liquor commis-

sion, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, reported the same with the following resolution:

*Resolved*, That no action is necessary by the Appropriations Committee.

The report was accepted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton County of funds remaining in the hands of the State Treasurer to the credit of the town of Livermore, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution, No. 11, Joint resolution in favor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Bass of Peterborough, for the Committee on Judiciary, to whom was referred House Bill No. 210, An act relative to the disqualification of special justices of municipal courts, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.



Mr. Lichman of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 25, An act making Lincoln's Birthday a legal holiday, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Messrs. Wiggin of Manchester and Lichman of Keene spoke in favor of the motion.

Mrs. Cooper of Nashua spoke against the motion.

Mr. Sanborn of Enfield called for a division.

A division being had, 256 members voted in the affirmative, and 44 members voted in the negative, and the bill was ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 260, An act relating to licenses of kennels, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wiggin of Manchester moved that the rules be suspended, and that House Bill No. 25, An act making Lincoln's Birthday a legal holiday, be put upon its third reading, by title, and final passage at the present time.

The question being on the motion of Mr. Wiggin.

Mr. St. Francois of Nashua called for a division.

A division being had, 259 members voted in the affirmative, and 30 members voted in the negative, and the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 358, An act relative to town appropriations for skiing places and facilities, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 359, An act naming Deering lake in the town of Deering, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 53, Joint resolution in favor of George W. Cunningham, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Claims.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 185, An act relative to the purchase of milk for resale or manufacture, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 12 of chapter 164 as inserted by section 4 of this bill by striking out the word "shall" in the third line and inserting in place thereof the word, may, so that said section as amended shall read as

follows: 12. *Proceedings for Recovery.* Upon breach of the condition of a bond, mortgage or other security the commissioner may, upon application by a patron of a person whose account for products furnished such person remains unpaid as hereinbefore provided, institute appropriate proceedings thereon in his name as trustee for the benefit of all of the patrons of such person in this state to whom such person may be indebted at the time such proceedings shall be instituted. Such proceedings may be commenced in any county in this state where a patron of such person resides.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 328, An act relating to the parking of pleasure vehicles, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred House Bill No. 328, An act relating to the parking of pleasure vehicles, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend section 15 of chapter 103 of the Public Laws (section 24, chapter 119, commissioner's report) by striking out the whole of said section and inserting in place thereof the following: 15. No person having control or charge of a pleasure motor vehicle shall allow the same to stand in any public street or way, and remain unattended, without locking the ignition and removing the switch keys from the lock.



Any person violating the provisions of this section shall be fined not more than two dollars for the first offense, and not more than five dollars for any subsequent offense committed during any calendar year.

ROBERT E. CARTER,  
CHESTER M. WIGGIN,  
ARTHUR F. STURTEVANT,  
RODOLPH CORMIER,  
GEORGE A. MYHAVER,  
ROBERT A. JOHNSON,  
FRANK B. CLARK,  
ALDEN N. YOUNG,

*A Minority of the Committee.*

The report was accepted.

Mr. Carter of Manchester moved that the report of the minority "ought to pass with amendment" be substituted for the report of the majority "inexpedient to legislate," and with that motion pending the bill and its accompanying reports be laid upon the table, and made a special order for Tuesday, March 4, at 11:01 o'clock.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Carter of Manchester spoke for the motion.

On a *viva voce* vote the motion prevailed, and the bill and accompanying report were laid upon the table, and made a special order for Tuesday, March 4, at 11:01 o'clock.

### Personal Privilege

Mr. Dupont of Pembroke rose to a point of personal privilege, and asked to be recorded as voting Yes on House Bill No. 315, An act relating to old age assistance.

**Order Vacated**

On motion of Mr. Fletcher of Concord.

*Resolved*, The order whereby House Bill No. 268, An act relating to the Mayor of the city of Concord, was referred to the Committee on Judiciary be vacated and the rules be suspended, and the bill be referred to a special committee consisting of the delegation from the city of Concord.

**Resolutions**

On motion of Mr. Blandin of Bath,

*Resolved*, The use of Representatives' Hall be granted to the State Tax Commission for holding meetings with assessing officers on Friday, March 14, 1941, at 9 A. M.

On motion of Mr. Guay of Laconia,

*Whereas*, this House has learned of the death of Fred Cantin, former representative from Laconia, therefore be it

*Resolved*, That a committee of five be appointed by the Speaker to submit resolutions of sympathy.

The Speaker appointed as members on such committee, Messrs. Guay, Tilton of Ward 4, Hopkins and Roucher of Laconia, and Woodman of Sanbornton.

On motion of Mr. Velishka of Nashua,

*Whereas*, We have learned of the misfortune of our colleague, Amidee Plourde, who is in the hospital as the result of an accident, therefore be it

*Resolved*, That we express to him our deepest sympathy, and our best wishes for a speedy recovery, and be it further

*Resolved*, That the Clerk be instructed to send flowers to Mr. Plourde.

**Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 16, An act relating to cost of briefs in the supreme court.

House Bill No. 92, An act relative to the Dover Children's Home.

House Bill No. 138, An act relative to management of State Prison industries.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 16, An act relative to the term of commitments to the Industrial School.

Senate Bill No. 22, An act relative to registration of motor vehicles by persons entering the military service of the United States for national defense.

### **Senate Bills Read and Referred**

Senate Bill No. 16, An act relative to the term of commitments to the Industrial School.

Senate Bill No. 22, An act relative to registration of motor vehicles by persons entering the military service of the United States for national defense.

Severally read a first and second time, and referred to the Committee on Revision of the Statutes.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 12, An act relating to town auditors:

Amend section 1 of said bill by inserting after the words "Public Laws" the following: (section 26, chapter 59, commissioners' report.)

On motion of Mr. Clark of Canaan the House con-



curred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 99, An act relating to vital statistics.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act increasing fees of town clerks for services relative to vital statistics.

Amend section 1 of said bill by striking out the first three lines thereof and inserting in place thereof the following:

1. *Town Clerk.* Amend section 11, chapter 285, Public Laws, as amended by chapter 61 of the Laws of 1929 (section 11, chapter 328, commissioners' report.)

Amend section 2 of said bill by striking out the first line and inserting in place thereof the following:

2. *Change in Fees.* Amend section 14 of said chapter 285 (section 14 of said chapter 328) by striking out in lines one

On motion of Mr. Peaslee of Weare the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, in Senate new draft, in the passage of which new draft the Senate asked the concurrence of the House of Representatives:

House Bill No. 51 (in Senate new draft,) An act establishing the Laconia Airport Authority.

### **Read and Referred**

House Bill No. 51 (in Senate new draft) An act establishing the Laconia Airport Authority.

Read a first and second time and referred to the Committee on Judiciary.

### Committee Report

Mr. Fecteau of Epping, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 340, An act establishing a state guard, reported the same with amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word such in the sixth line thereof the word, military. Further amend said section 1 by adding at the end thereof the following: "provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout." so that the same shall read as follows:

1. *Authority.* Whenever any part of the New Hampshire National Guard is in the active service of the United States, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline in training, and otherwise in general conformity with existing law, regulations, rules and practices pertaining to the National Guard, such military forces as he may deem necessary to defend this state from invasion, rebellion, riot or reasonable apprehension thereof. Provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities

and employer and employee representatives of the industries involved in such strike or lockout.

Amend section 7 of said bill by inserting after the word "rate" in the eighth line thereof a comma and the words base pay, so that the same shall read as follows:

7. *Pay and Allowances.* The provisions of section 60, chapter 124 of the Public Laws of New Hampshire, shall not apply to the State Guard which shall be compensated as follows: For each day's service in complete uniform, when ordered out for duty by command of the governor, except for annual inspection, drill, target practice or special service, each commissioned officer of the State Guard shall be paid at the same rate, base pay, as an officer of like grade in the United States Army; and each enlisted man of the State Guard shall be paid at the rate, base pay, prescribed in Federal pay tables for an enlisted man of like grade in the United States Army.

Amend section 8 of said bill by inserting after the word "and" in the fourth line thereof the words, the governor, so that the same shall read as follows:

8. *Equipment and Supplies.* For the use of the State Guard, the Adjutant General, with the approval of the Governor and Council, is hereby authorized to purchase such equipment and supplies as may be necessary for the purposes of this act and the governor is hereby authorized to requisition, as free or loans, or, if necessary, to purchase outright, from the Secretary of War of the United States, or from such agency of the War Department as may by law be designated, such arms, equipment, supplies, and ammunition as may be in the possession of and can be spared by the United States government.

The undersigned, a minority of the Committee on Judiciary and Military Affairs, to whom was referred



House Bill No. 340, An act establishing a state guard, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FRANCIS P. CALLAHAN,

*A Minority of the Committee.*

The reports were accepted.

The bill with the amendments pending was laid up-on the table to be printed.

Mr. Woodbury of Manchester, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 341, An act to protect against sabotage, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 11 of said bill by adding at the end thereof the words, "nor to make strikes illegal" so that the same shall read as follows: 11. *Rights of Labor*. Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection nor to make strikes illegal.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

On motion of Mrs. Dondero of Portsmouth at 12:12 o'clock the House adjourned.

#### Afternoon

The House met at 3 o'clock.

#### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their

titles, and joint resolutions, by their captions, were made in order.

House Bill No. 34, An act relating to sanitary inspectors.

House Bill No. 185 (in new draft), An act relative to the purchase of milk for resale or manufacture.

House Bill No. 210, An act relative to the disqualification of special justices of municipal courts.

House Bill No. 260, An act relating to licenses of kennels.

House Joint Resolution No. 11, Joint resolution in favor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski.

House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton County of funds remaining in the hands of the state treasurer to the credit of the town of Livermore.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Charois of Greenville at 3:07 o'clock the House adjourned.

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THURSDAY, FEBRUARY 27, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mr. Delorier of Claremont was granted leave of absence for the day on account of illness.

Mr. Smart of Ossipee was granted leave of absence for the day on account of attending a funeral.

Messrs. Cormier of Nashua, and Hopkins of Laconia were granted leaves of absence for the day on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10.00 o'clock and that when it then adjourns it adjourns to meet Tuesday morning at 11.00 o'clock.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 12, An act relating to town auditors.

House Bill No. 99, An act increasing fees of town clerks for services relative to vital statistics.

House Bill No. 126, An act to amend the charter of Colby Junior College for Women.

The report was accepted.

Mr. Freese of Pittsfield, for the Committee on Labor, to whom was referred House Bill No. 5, An act relating to workmen's compensation, reported the same, with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 6, An act relating to workmen's compensation waiting period, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 61, An



act relating to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted, and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 196, An act relative to reports by unemployed persons, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 225, An act relating to hours of labor for nurses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gage of Manchester, for the Committee on Labor, to whom was referred House Bill No. 299, An act relating to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred House Bill No. 37, An act relative to qualification of voters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Cooper of Nashua, for the Committee on Judi-

ciary, to whom was referred House Bill No. 184, An act relating to construction and repair of state buildings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Lichman of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 273, An act relating to the indorsements of notes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 133, An act relating to the parking of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Noyes of Bethlehem, for the Committee on Insurance, to whom was referred House Bill No. 49, An act relating to the salary of the Deputy Insurance Commissioner, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Cormier of Nashua, for the Committee on

Revision of the Statutes, to whom was referred House Bill No. 181, An act relative to encroachments on highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted. and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 228, An act for the benefit of clubs affiliated with national organizations, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 3 of the Laws of 1934 by adding after section 22 the following new section:

22a. In towns and cities which have accepted the provisions of this act, clubs affiliated with a national fraternal organization and being established for not less than one year, may be entitled to a license for the sale of liquor by glass only to members and bona fide guests in said club under rules laid down by said commission.

2. Takes Effect. This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 108, An act relative to a commission for the blind, reported the same, in new draft and with new title, with the recommendation that the bill in its new draft and new title be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill in new draft and title read a first and second time, laid upon the table



to be printed and referred to the Committee on Revision of the Statutes.

Mr. Maley of Newport, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 66, An act prohibiting the obstructing of driveways, reported the same with the following amendment, and recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "shop" in the fifth line the words, or other place of business; further amend by striking out in the eighth and ninth lines the words "Any person who has occasion to use a driveway obstructed by a vehicle or other object" and inserting in place thereof the words, Any inspector of the motor vehicle department, police officer, sheriff, deputy sheriff or selectman, so that said section as amended shall read as follows:

1. *Obstructing Access to Highways.* Amend chapter 378 of the Public Laws by inserting after section 10 (chapter 430, section 9 of the commissioners' report) the following new sections: 10-a. *Prohibition.* No person shall obstruct the highway by parking an automobile, other vehicle or object in or in front of a driveway to any dwelling, store, shop or other place of business, factory, field or forest so as to obstruct the passage of vehicles from the highway into such driveway or from such driveway into the highway. 10-b. *Removal of Obstruction; Lien.* Any inspector of the motor vehicle department, police officer, sheriff, deputy sheriff or selectman is hereby authorized to employ a wrecker or other apparatus to remove such obstruction at the expense of the owner or operator of said obstructing vehicle or object and the owner or operator of the wrecker or apparatus used in said removal shall have a lien upon the vehicle or object so removed for his fee or charge for said removal.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 179, An act relative to the protection of state and other highways, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in the eighth line after the word "Department" the words, and a copy of such return shall be filed with the city clerk or town clerk for information, so that said section as amended shall read as follows:

1. Amend section 6 of chapter 91 of the Public Laws as amended by chapter 117, section 1 of the Laws of 1935 and by chapter 25, section 1 of the Laws of 1937 by striking out said section and inserting in place thereof the following: 6. *Posting*. Such rules and regulations relating to the control of traffic by such stop signs, devices or signals shall be posted on each trunk line and state-aided highway and a return of such posting shall be filed with the State Highway Department; and a copy of such return shall be filed with the city clerk or town for information. Such return of posting shall be kept in a book kept for that purpose by the highway department and such book or books shall be a public record.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fecteau of Epping, for the Joint Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 340, An act establishing a state guard, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word such in the sixth line thereof the word, military. Further amend said section 1 by adding at the end thereof the following: "provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout." so that the same shall read as follows:

1. *Authority.* Whenever any part of the New Hampshire National Guard is in the active service of the United States, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline in training, and otherwise in general conformity with existing law, regulations, rules and practices pertaining to the National Guard, such military forces as he may deem necessary to defend this state from invasion, rebellion, riot or reasonable apprehension thereof. Provided, however, that such forces shall not be ordered into a community where a strike or lockout exists for purposes connected with such strike or lockout unless the Governor shall have investigated the need thereof through the local public authorities and employer and employee representatives of the industries involved in such strike or lockout.

Amend section 7 of said bill by inserting after the word "rate" in the eighth line thereof a comma and the words base pay, so that the same shall read as follows:

7. *Pay and Allowances.* The provisions of section 60, chapter 124 of the Public Laws of New Hampshire, shall not apply to the State Guard which shall be com-



pensated as follows: For each day's service in complete uniform, when ordered out for duty by command of the governor, except for annual inspection, drill, target practice or special service, each commissioned officer of the State Guard shall be paid at the same rate, base pay, as an officer of like grade in the United States Army; and each enlisted man of the State Guard shall be paid at the rate, base pay, prescribed in Federal pay tables for an enlisted man of like grade in the United States Army.

Amend section 8 of said bill by inserting after the word "and" in the fourth line thereof the words, the governor, so that the same shall read as follows:

8. *Equipment and Supplies.* For the use of the State Guard, the Adjutant General, with the approval of the Governor and Council, is hereby authorized to purchase such equipment and supplies as may be necessary for the purposes of this act and the governor is hereby authorized to requisition, as free or loans, or, if necessary, to purchase outright, from the Secretary of War of the United States, or from such agency of the War Department as may by law be designated, such arms, equipment, supplies, and ammunition as may be in the possession of and can be spared by the United States government.

The undersigned, a minority of the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 340, An act establishing a state guard, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FRANCIS P. CALLAHAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Callahan of Keene moved that the bill and accompanying reports, with the amendment pending, be

laid upon the table and made a special order for Tuesday, March 4, at 11.02 o'clock.

The question being on the motion of Mr. Callahan.

Mr. Prescott of Newton moved that the House consider the bill at the present time.

On a *viva voce* vote the motion of Mr. Prescott did not prevail.

Mr. Prescott of Newton asked for a division.

A division being had 168 members voted in the affirmative and 93 members voted in the negative, and less than two thirds of the members elected being present and voting, and less than two thirds of those present and voting having voted either in the affirmative or the negative, no valid action was taken, and the motion went into unfinished business.

Mr. Woodbury of Manchester, for the Joint Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 341, An act to protect against sabotage, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 11 of said bill by adding at the end thereof the words, nor to make strikes illegal, so that the same shall read as follows: 11. *Rights of Labor*. Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection nor to make strikes illegal.

The report was accepted.

Mr. Callahan of Keene moved that the bill and accompanying report, with the amendment pending, be laid upon the table and made a special order for Tuesday, March 4, at 11:02 o'clock.

The question being on the motion of Mr. Callahan. Mr. Prescott of Newton moved that the House consider the bill at the present time.

On a *viva voce* vote the motion did not prevail.

Mr. Woodbury of Manchester asked for a division.

A division being had, 169 members voted in the affirmative, and 83 members voted in the negative, and the motion to consider the bill at the present time prevailed.

The question being on the resolution of the committee that the bill ought to pass with amendment.

Mr. Callahan of Keene moved that the House adjourn.

Mr. Woodbury of Manchester asked for a division.

A division being had the vote was declared manifestly in the negative, and the motion to adjourn did not prevail.

The question being on the resolution of the committee that the bill ought to pass with amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Reconsiderations

Mr. Dupont of Pembroke moved that the House reconsider the vote whereby it voted, inexpedient to legislate, on House Bill No. 5, An act relating to workmen's compensation and House Bill No. 6, An act relating to workmen's compensation waiting period.

The question being on the motion to reconsider.

Mr. Dupont withdrew his motion to reconsider and served notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted, inexpedient to legislate, on House Bill No. 5, An act relating to workmen's compensation and House Bill No. 6, An act relating to workmen's compensation waiting period.



### Resolutions

Mr. O'Shan of Laconia offered the following resolution:

*Resolved*, That the Clerk be instructed to procure 75 additional copies of the Commissioners' Report to revise, codify and amend the Public Laws of the State of New Hampshire.

The resolution was referred to the Committee on Appropriations.

Mr. Lord of Gilford offered the following resolution.

*Whereas*, This House has learned of the death of William I. Harris, former Representative from Gilford, therefore be it

*Resolved*, That a committee of five be appointed by the Speaker to submit resolutions of sympathy.

The resolution was unanimously adopted.

The Speaker appointed as members on such committee, Messrs. Lord of Gilford, Rollins of Alton, Ewing of Laconia, Smith of New Hampton and Woodman of Sanbornton.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third readings of bills, by their titles, were made in order.

House Bill No. 66, An act prohibiting the obstructing of driveways.

House Bill No. 179, An act relative to the protection of state and other highways.

House Bill No. 181, An act relative to encroachments on highways.

House Bill No. 228, An act for the benefit of clubs affiliated with national organizations.

House Bill No. 341, An act to protect against sabotage.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Caron of Manchester at 11.55 o'clock the House adjourned.

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SATURDAY, MARCH 1, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 1, 1941.

Mr. O. William Hayes,  
Rochester, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present, at 10:01 o'clock, the House adjourned.

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TUESDAY, MARCH 4, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Emerson of Dalton was granted leave of absence for the day on account of death in family.

Mr. Plourde of Nashua was granted leave of absence for the week on account of illness.

Mr. Paquette was granted leave of absence for the week on account of important business.

Mr. Gage of Manchester was granted leave of absence for Wednesday and Thursday on account of important business.

Messrs. Pynn of Meredith, Whitherill of Cornish, and Bilodeau of Nashua were granted leaves of absence for the day on account of illness.

Messrs. Haley of Holderness, Guay of Laconia, and O'Connell of Manchester were granted leaves of absence for the day on account of important business.

### Qualified

Mr. Day of Piermont, having qualified before his Excellency the Governor, appeared and took his seat as a member of the House.

### Committee Reports

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 36, Joint resolution in favor of Victor J. Martin, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 327, An act relating to the election of officers of the Penacook Union School District, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 199, An act relative to the expiration date of beverage permits, reported the same in a new draft and with a new title, with the recommendation that the bill in its new draft and with its new title be recommitted to the Committee on Liquor Laws.



The report was accepted, and the bill in its new draft and new title was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Liquor Laws.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 360, An act relating to motor vehicles carrying passengers for hire, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 361, An act authorizing the town of Deerfield to issue refunding notes or bonds, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 362, An act relating to the safety and health of employees, with the recommendation that the bill be referred to the Committee on Labor.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Labor.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 54, Joint resolution in favor of Ruth D. Hier, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Claims.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 10, Joint resolution in favor of Charles E. Stevens, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of four thousand nine hundred and ten dollars and thirty-one cents (\$4,910.31) be and hereby is appropriated for compensation and expenses on account of an accident suffered by Charles E. Stevens of Warren while working on a state highway on June 6, 1939 as follows: Five hundred dollars to said Charles E. Stevens, upon the passage of this resolution, and ten dollars per week for a period of two hundred and fifty weeks; three hundred and eighty dollars to Olga Chiaradia, R. N.; six hundred and fourteen dollars to H. C. Pickwick, M. D.; Lisbon; fifty dollars to D. M. Miller, M. D., Woodsville; forty-seven dollars and fifty cents to F. J. Kasheta, M. D., Warren; four hundred and seventy-four dollars and seventy-six cents to Cottage Hospital, Woodsville; one hundred sixteen dollars and five cents to Mary Hitchcock Memorial Hospital, Hanover; two hundred twenty-eight dollars to Hitchcock Clinic, Hanover. The sums hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claims.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 2, Joint resolution in favor of Millard Kidder, reported the same with the following amend-

ment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following: That the sum of fifteen hundred and sixty dollars (\$1560) be and hereby is allowed and appropriated to compensate Millard Kidder, of Lebanon, for injuries suffered by him while working for the state highway department on a sand bank in West Lebanon on February 15, 1939. The sum hereby appropriated shall be paid to said Millard Kidder in the amount of five dollars per week for three hundred and twelve weeks, shall be a charge upon the highway funds and shall be in full settlement of the above claim. The sum hereby appropriated is in addition to the compensation heretofore allowed said Kidder from the highway department for said injuries.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 282, An act prohibiting the jacking of wild birds and wild animals, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Shedd of New Boston offered the following amendment.

Amend section 1 by striking out the word; "including" in the sixth line and inserting in place thereof the word, except, so that said section as amended shall read as follows: 1. *Prohibition.* Amend section 5 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935 (section 5, chapter 233, commissioners report) by striking out said section and inserting in place thereof the following: 5. *Possession of Jacks, etc.* No person shall have in his possession any jack or artificial light, swivel, pivot or set



gun while hunting wild birds or wild animals, except unprotected birds and wild animals on which a bounty may be paid. Any person convicted of illegal night hunting shall forfeit such firearms, jacks, or any other equipment used or usable in the illegal night hunting at the time of such violation, including any vehicle in which the same is being transported. Nothing herein contained shall be construed to prohibit the use of lights for hunting raccoon as permitted in section 3 of chapter 200 of the Public Laws.

The question being on the amendment.

(Discussion ensued.)

Mr. Shedd of New Boston spoke in favor of the amendment.

Messrs. Cotton of Barnstead, and Nelson of Winchester spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

Mr. Simpson of Bartlett, for the Committee on Judiciary, to whom was referred House Bill No. 290, An act relative to licensing of auctioneers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Grinnell of Derry, for the Committee on Judiciary, to whom was referred House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Lievins of Hollis offered the following amendment.

Amend section 3 by striking out in the third line of the printed bill after the word "shall" the word, not,

and after the word "apply" the word, however, so that said section as amended shall read as follows: 3. *Takes Effect.* This act shall take effect at 12:01 A. M. of the day following its passage. The exemptions added by this act shall apply in cases of accidents that shall have occurred prior to July 14, 1937.

The question being on the amendment.

(Discussion ensued.)

Messrs. Lievens of Hollis, Sweeney of Nashua, Ward 2, Blandin of Bath, Foote of Portsmouth, and Wiggin and Betley of Manchester, and Mrs. Brungot of Berlin spoke in favor of the amendment.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 62, An act relating to proof of financial responsibility by owners and operators of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Blandin of Bath, for the Committee on Judiciary, to whom was referred House Bill No. 94, An act relative to exceptions under the financial responsibility law, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter being covered by another bill favorably reported by the committee.

The report was accepted and the resolution of the committee adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 103, An act relating to proof of financial responsibility by owners and operators of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter being covered by another bill favorably reported by the committee.

The report was accepted and the resolution of the committee adopted.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 131, An act relating to motor vehicle accidents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter being covered by another bill favorably reported by the committee.

The report was accepted and the resolution of the committee adopted.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred House Bill No. 239, An act requiring proof of security after a motor vehicle accident, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter being covered by another bill favorably reported by the committee.

The report was accepted and the resolution of the committee adopted.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred House Bill No. 305, An act relating to proof of financial responsibility by owners and operators of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter being covered by another bill favorably reported by the committee.



The report was accepted and the resolution of the committee adopted.

Mr. Perkins of Pittsfield, for the Committee on Judiciary, to whom was referred House Bill No. 306, An act establishing a board of directors in connection with financial responsibility in automobile accidents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Jean of Manchester, for the Special Committee, consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 279, An act relative to ward lines in the city of Manchester, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Special Committee, consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 279, An act relative to ward lines in the city of Manchester, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Power to Set Ward Lines.* .The board of Mayor and Aldermen of the city of Manchester shall have the power to set ward lines in said city every fifteen years, beginning in 1941.

2. *Population of Wards.* Each ward as divided in accordance with the foregoing section shall contain not less and not more than five and six thousand inhabitants, respectively, based on the city census in the year such division of wards takes place.

3. *Takes Effect.* This act shall take effect upon its passage.

CHARLES E. DANIEL,  
J. CHARLES DURETTE,  
ORIGENE E. LESMERISES,  
ROLAND M. TURGEON,  
JOSEPH P. AUBIN,  
HECTOR J. ROUSSEAU,  
ARTHUR THIBODEAU,  
MEDORA GILMARTON,  
NAPOLEON DULAC,  
JOSEPH CHEVRETT,  
LEONARD L. PROVENCHER,  
PETE H. ROY,  
ALBERT H. PRINCE,  
ADOLPHE DUVAL,  
GEORGE N. CONSTANT,  
EDMOND BENOIT,  
HENRY O. HUARD,

*A Minority of the Committee.*

The report was accepted.

Mr. Daniel of Manchester, Ward 13, moved that the report of the minority "ought to pass with amendment" be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Daniel and Lesmerises of Manchester spoke in favor of the motion.

Messrs. Betley and Donnelly of Manchester spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Lesmerises of Manchester demanded the yeas and nays. The roll having commenced, Mr. Les-

merises withdrew his demand for the yeas and nays, and the motion to substitute did not prevail.

Mr. Daniel of Manchester, Ward 13, moved that the bill and its accompanying reports be indefinitely postponed.

On a *viva voce* vote the motion did not prevail.

The question being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution of the committee, that the bill ought to pass.

On a *viva voce* vote the resolution of the committee was adopted and the bill was ordered to a third reading.

Mr. Donnelly of Manchester moved that the rules be suspended and the bill made in order for a third reading, by title, at the present time.

Mr. Lesmerises of Manchester called for a division.

A division being had, 289 members voted in the affirmative, and 10 members voted in the negative, the rules were suspended, and the bill was read a third time and passed, and sent to the Senate for concurrence.

### Unfinished Business

Mr. Callahan of Keene called for the unfinished business.

House Bill No. 340, An act to establish a state guard.

The question being on the motion to substitute the report of the minority, "inexpedient to legislate" for the report of the majority, "ought to pass with amendment."

(Discussion ensued)

Messrs. Callahan and Pickett of Keene and Brennan of Westmoreland spoke in favor of the motion.

Messrs. Wiggin of Manchester, Prescott of Newton, Wadleigh of Milford, O'Shan of Laconia, Blandin of



Bath and Condon of Newport spoke against the motion.

Mr. Bass of Peterborough moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the amendment reported by the committee.

On a *viva voce* vote the amendment was adopted and the bill referred to the Committee on Appropriations under the rules.

### Special Order

Mr. Carter of Manchester called for the special order.

House Bill No. 328, An act relating to the parking of pleasure vehicles.

The question being on the motion to substitute the report of the minority "ought to pass with amendment" for the report of the majority, "inexpedient to legislate."

Mr. Carter moved that the bill and its accompanying reports be laid upon the table and made a special order for Wednesday, March 12, at 11:01 o'clock.

The question being on the motion of Mr. Carter.

Mrs. Brungot of Berlin moved to amend the motion by substituting the words "Tuesday, March 18, at 11:01 o'clock."

On a *viva voce* vote the motion as amendment prevailed.

Mr. Wyman of Candia moved that the vote whereby the House ordered House Bill No. 321, An act relating

to proof of financial responsibility by owners and operators of motor vehicles, was ordered to a third reading be reconsidered, and the bill be put back on its second reading for purpose of amendment.

On a *viva voce* vote the motion prevailed.

Mr. Wyman offered the following amendment:

Amend section three by striking out the whole section and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect at 12:01 A. M. of the day following its passage. The exemptions added by this act shall apply in cases of accidents that shall have occurred since July 14, 1937.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Resolutions

On motion of Mr. Hopkins of Laconia.

*Whereas,* The House of Representatives has learned with sorrow of the death of Honorable Alfred J. Cantin, a former member of this House, from the city of Laconia; and

*Whereas,* The members of this House are mindful of the loyal and efficient service rendered by Mr. Cantin to the State of New Hampshire and to the people of Laconia; and

*Whereas,* The members of the House desire to express the affection and regard in which they hold the memory of Mr. Cantin, therefore be it

*Resolved,* That the House of Representatives in General Court convened extend its deepest sympathy to Mrs. Cantin and the members of his family, and be it further

*Resolved,* That these resolutions be entered in the

records of the proceedings of the House, and that the Clerk transmit a copy of the resolutions to Mrs. Cantin.

ALFRED L. GUAY,  
FREDERICK A. TILTON,  
CHARLES O. HOPKINS,  
JOSEPH H. ROUCHER,  
WALTER D. WOODMAN,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Taylor of Whitefield.

The Speaker appoint a committee to draft a suitable resolution on the death of Representative Emerson's father of Dalton, who recently passed away in Florida. The resolution to be sent to Representative Emerson.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Cryan of Lancaster, Chandler of Gorham, and Taylor of Whitefield and Mrs. Mason of Berlin and Mrs. Morris of Lancaster.

On motion of Mr. Hayes of Rochester.

*Whereas,* We have learned with regret of the death of George Y. Emerson, Representative from Rochester, therefore be it

*Resolved,* That the Speaker appoint a committee of six to submit suitable resolutions.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Studley, Hayes, Conrad, Potvin, Beaudoin and Nadeau of Rochester.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with



the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 28, An act relative to distribution of Session Laws to libraries outside of the state.

House Bill No. 33, An act relating to reports on the operation of cold storage warehouses.

House Bill No. 45, An act relating to documents in the office of the insurance commissioner.

House Bill No. 89, An act to amend the charter of the Elliot Hospital of the city of Manchester.

House Bill No. 90, An act to amend the charter of Masonic Home.

House Bill No. 116, An act relating to the salary of the Justice of the Municipal Court of Derry.

House Bill No. 158, An act relating to smoking on the White Mountain National Forest.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect, in the town of Lancaster, as a memorial to John Wingate Weeks.

Senate Bill No. 24, An act relative to the Raymond road in the town of Nottingham.

### **Senate Bills Read and Referred**

Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect, in the town of Lancaster, as a memorial to John Wingate Weeks.

Read a first and second time and referred to the Committee on Forestry and Recreation.

Senate Bill No. 24, An act relative to the Raymond road in the town of Nottingham.

Read a first and second time and referred to the Committee on Public Improvements.

The message also announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives.

House Bill No. 95, An act relative to the abolition of a municipal court.

On motion of Mrs. Bixby of Berlin at 1.41 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions were in order.

House Bill No. 282, An act prohibiting the jacking of wild birds and wild animals.

House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles.

House Bill No. 327, An act relating to the election of officers of the Penacook Union School District.

House Joint Resolution No. 2, Joint resolution in favor of Millard Kidder.

House Joint Resolution No. 10, Joint resolution in favor of Charles E. Stevens.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Brungot of Berlin.

*Whereas*, We have learned of the illness of Thelma R. Budway, former Stenographer for the Judiciary Committee, therefore be it

*Resolved*, That the Clerk be instructed to send

flowers with the best wishes of the House for her speedy recovery.

On motion of Miss Gagnon of Berlin, at 3:12 o'clock the House adjourned.

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WEDNESDAY, MARCH 5, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Pulsifer of Campton, and Mayo of Concord were granted leaves of absence for the day on account of illness.

Messrs. Grandmaison of Nashua, and O'Connell of Manchester were granted leaves of absence for the day on account of important business.

Mr. Bigelow of Pelham was granted leave of absence for Thursday on account of important business.

**Committee Reports**

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 33, An act relating to reports on the operation of cold storage warehouses.

House Bill No. 45, An act relating to documents in the office of the insurance commissioner.

House Bill No. 92, An act relative to the Dover Children's Home.

House Bill No. 116, An act relating to the salary of the justice of the municipal court of Derry.

The report was accepted.



Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 280, An act relative to Lafayette Day, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fecteau of Epping, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 226, An act suggesting a chemical test as evidence of intoxication, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Connor of Sutton moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued.)

Messrs. Connor of Sutton and Comi of Concord spoke in favor of the motion.

Messrs. Osborne of Concord, and Myhaver of Peterborough spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 168, An act relative to the road from Bradford to Henniker, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 324, An act exempting widows from paying poll taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 323, An act exempting orphans from property taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 337, An act to establish a new apportionment for the assessment of public taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred Senate Bill No. 13, An act amending chapter 152 of laws of 1899 entitled "An act to incorporate the Mascoma Savings Bank of Lebanon," reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shell and anadromous of the Atlantic seaboard, recommended that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 364, An act to make uniform the law with reference to disposition of property where there is no sufficient evidence that persons died otherwise than simultaneously, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 365, An act regulating the sale, transfer and possession of pistols, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 366, An act defining and relating to narcotic drugs and to make uniform the law with reference thereto, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 316, An act relating to boxing and wrestling, re-



ported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend section 3 of chapter 132 of the Laws of 1929 by inserting in the fifth line after the word "receive" the words, five dollars a day, so that said section as amended shall read as follows: 3. *Compensation.* The chairman-secretary shall receive six dollars a day when engaged in the performance of his duties under the provisions of this act, together with his actual traveling and other necessary expenses. The other two commissioners shall receive five dollars a day, traveling and other necessary expenses incurred when engaged in the actual performance of their duties at the call of the chairman. Said compensation and expenses shall be paid out of the athletic fund.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. O'Connell of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 by adding at the end thereof the words, The provisions of this paragraph shall not apply to traffic devices or signals now in use until such time as they are replaced, so that said section as amended shall read as follows: 1. *Powers and City Councils.* Amend paragraph VII-a. of section 12 of chapter 54 of the Public Laws, as inserted by section 2, chapter 117, Laws of 1935 (commissioners' report,

paragraph VIII, section 12, chapter 66) by striking out said paragraph and inserting in place thereof the following: VIII-a. *Traffic Devices and Signals*. To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to establish stop intersections, erect, and provide for the control of traffic by, stop signs or other traffic devices or signals which shall conform to standards set by the Highway Commissioner and shall be approved by him as to type, size, installation and method of operation. The provisions of this paragraph shall not apply to traffic devices or signals now in use until such time as they are replaced.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Betley of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 145, An act relative to hunting on Sunday, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Baldwin of Pittsburg moved that the bill and its accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Baldwin of Pittsburg spoke in favor of the motion.

Messrs. Hayes of Rochester, Atherton of Nashua, Myhaver of Peterborough and Hayes of Barrington spoke against the motion.

Mr. Philbrick of Belmont, moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

The bill was ordered to a third reading.

On motion of Mr. Frain of Manchester the rules were suspended and the bill was made in order for a third reading and final passage, at the present time.

The bill was then read a third time, and passed and sent to Senate for concurrence.

### Resolutions

Mr. Studley of Rochester offered the following resolutions:

*Whereas*, The members of the House of Representatives have learned with deep sorrow of the death of Honorable George Y. Emerson, a former member of this House; and

*Whereas*, the members of the House are fully mindful of the loyal and efficient service rendered by Mr. Emerson to the State of New Hampshire, and to the people of Rochester while serving as a member of the Legislature; and

*Whereas*, the members of the House desire to express their sincere affection and the high esteem in which they hold the memory of Mr. Emerson, therefore be it

*Resolved*, that the House of Representatives in General Court convened extend its deepest sympathy to Mrs. Emerson and the members of his family, and be it further

*Resolved*, that these resolutions be entered in the records of the proceedings of the House, and that the



Clerk be instructed to send a copy of these resolutions to Mrs. Emerson.

JOSHUA STUDLEY,  
O. WILLIAM HAYES,  
JOHN F. CONRAD,  
GEORGE J. POTVIN,  
AURELLE BEAUDOIN,  
GEORGE C. NADEAU,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Smart of Durham offered the following resolution

*Whereas*, The University of New Hampshire founded in 1866, is this year celebrating its seventy-fifth anniversary and

*Whereas*, Benjamin Thompson made a gift of three quarters of a million dollars to the state for the establishment of a College of Agriculture and the Mechanic Arts at Durham, and

*Whereas*, the University will, on April 22nd, celebrate the birthday of Benjamin Thompson in conjunction with its seventy-fifth anniversary, and being desirous of having the House of Representatives participate in the exercises of the day, the President and the Board of Trustees hereby cordially extend an invitation to all members of the House to visit Durham on that day,

*Therefore*, be it Resolved, that the House accept the invitation of the President and the Board of Trustees of the University and that a committee of seven members be appointed by the Speaker to make all necessary arrangements.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs. Smart of Durham, Redden of Ports-

mouth, Hunter of Hanover, Wadleigh of Milford and Duncan of Jaffrey and Mrs. Robertson of Hinsdale and Mrs. Charois of Greenville.

Mr. Lord of Gilford offered the following resolution:

*Whereas*, the House of Representatives has learned with sorrow of the death of William I. Harris, former Representative from Gilford, and

*Whereas*, the members of this House are mindful of the loyal and efficient service rendered by Mr. Harris to the state of New Hampshire and to the people of Gilford, and

*Whereas*, the members of the House desire to express the affection and regard in which they hold the memory of Mr. Harris, therefore be it

*Resolved*, That these resolutions be entered in the records of the proceedings of the House and that the Clerk transmit a copy of the resolution to the family of Mr. Harris.

ARTHUR H. LORD,  
CHARLES A. ROLLINS,  
JOHN M. EWING,  
JOSEPH W. SMITH,  
WALTER D. WOODMAN,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Upton of Concord the following members were added to the special joint committee to consider House Bill No. 98 "An Act to codify, amend and revise the Public Laws":

Matson of Concord, Carter of Manchester, Clark of Canaan, Betley of Manchester, O'Connell of Manchester, Sweeney of Nashua, Ward 2, Velishka of Nashua, Bartlett of Lee.

Mr. O'Shan of Laconia offered the following resolution:

*Resolved*, That the Speaker appoint a committee consisting of five members, whose duties shall be to meet and cooperate with the Commissioners and Director of Public Welfare in an endeavor to clarify and digest the practices and procedures of the Board of Public Welfare in connection with the administration of old age assistance; and to offer recommendations and submit such proposed legislation as it deems necessary and advisable.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 93, An act for relief on banks' petitions.

House Bill No. 153, An act relative to reinstatement of state officials and employees who enter into the military or naval service of the United States for national defense in the present emergency.

The message further announced that the Senate had voted to recall from the Governor for further consideration the following bill:

House Bill No. 53, An act to increase the amount of property that St. Mary's School for Girls may own.

The message also announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 53, An act to increase the amount of property that St. Mary's School for Girls may own.

On motion of Mrs. Charois of Greenville at 12:00 o'clock the House adjourned.



**Afternoon**

Mr. Blandin of Bath in Chair.

The House met at 3 o'clock.

**Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, were made in order.

House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns.

House Bill No. 337, An act to establish a new apportionment for the assessment of public taxes.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 13, An act amending chapter 152 of Laws of 1899, entitled "an act to incorporate the Mascoma Savings Bank of Lebanon."

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Hutchins of Stratford at 3.03 o'clock the House adjourned.

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THURSDAY, MARCH 6, 1941.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

**Resolution**

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 10 o'clock, and that when it then adjourns it adjourns to meet Wednesday morning at 11 o'clock.

### Leaves of Absence

Messrs. Clark of Canaan, and Mayo of Concord were granted leaves of absence for the day on account of illness.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 138, An act relative to management of the state prison industries.

The report was accepted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 289, An act relating to bribery and corruption, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Gile of Lebanon demanded the yeas and nays, but subsequently withdrew his demand.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 143 (in new draft), An act to prevent public officials from buying property from themselves for the city, county or state, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Bass of Peterborough moved that the words "ought to pass" be substituted for the words "inexpedient to legislate," and with that motion pending the bill and its accompanying report be laid upon the table.

On a *viva voce* vote the motion prevailed.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 14, An act relating to insurance companies, having considered the same, reported the same in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Ways and Means.

The report was accepted.

The bill was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Ways and Means.

Mr. Redden of Portsmouth, for the Committee on Coastwise Improvements, to whom was referred House Bill No. 355, An act relating to the control of navigation at Rye Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 51 (in Senate new draft), An act establishing the Laconia Airport Authority, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 134, An act relating to redemption of land sold for taxes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out in line 4 thereof the word "eight" and inserting in place thereof the word, ten. Further amend said bill by striking out in line 11 thereof the word "eight" and inserting in place thereof the word, ten, so that the same shall read as follows:



1. *Redemption.* Amend section 27 of chapter 66 of the Public Laws by striking out the word "twelve" in the sixth line and inserting in place thereof the word, ten, so that said section as amended shall read as follows: 27. *Redemption.* Any person interested in land so sold may redeem the same by paying or tendering to the collector or his administrator, or, in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector or his administrator, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with ten per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred Senate Bill No. 3 (in new draft), An act relating to investment of trust funds of towns, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole of section 1 and inserting in place thereof the following: 1. *Town Trust Funds.* Amend section 22, chapter 42, Public Laws, as amended by chapter 100, Laws of 1929; chapter 46, Laws of 1933 and section 11, chapter 72, Laws of 1939 (section 22, chapter 51, Commissioners Report) by adding after the word "state" in the eleventh line the words, and such stocks and bonds as are legal for investment by New Hampshire Savings Bank, so that said section as amended shall read as follows: 22. *Custody, Investments.* The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state,

or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire Savings Banks; and when so invested the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof.

The report was accepted.

The reading of the amendment having commenced, Mr. Duncan of Jaffrey moved that further reading of the amendment be dispensed with.

The question being on the motion of Mr. Duncan.

(Discussion ensued.)

Mr. Duncan of Jaffrey spoke in favor of the motion.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 69, An act relating to investments by guardians, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in the fifth and twenty-fourth lines before the word, "In" the words, with the consent of the judge of probate having jurisdiction, so that said section as amended shall read as follows:

1. *Investments by Guardians.* Amend section 22 of chapter 290 of the Public Laws, as amended by

chapter 71 of the Laws of 1931, by chapter 8 of the Laws of 1937, section 10 of chapter 72 of the Laws of 1939 (section 22, chapter 333 of the commissioners report) by adding at the end thereof the following new paragraph: IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state, so that said section as amended shall read as follows: 22. *Approved Classes.* Every guardian of a minor shall invest, in the name of his ward, or in his own name as guardian, the money and the proceeds of all real and personal property of his ward not required for the ward's support in the following described classes of property only:

I. In notes secured by mortgage of real estate at least double in value of the notes, or in notes or bonds secured by mortgage insured by the federal housing administrator and guaranteed by the United States of America.

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

III. In such other stocks and bonds as are legal investments for savings banks in this state.

IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state.



The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Betley of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 141, An act prohibiting certain employment of elected city officials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 54 of the Public Laws by inserting after section 2 the following new sections:

2a. *Prohibition.* No publicly elected official shall, during the term for which he was elected, be employed by any department, board or commission of the city in any other capacity, or to any other position of employment where compensation is allowed.

2b. Upon acceptance of any such employment by such official or member, his office shall forthwith become vacant and shall be filled as provided by law.

2c. *Application of Laws.* Any provision of any city charter, inconsistent with the provisions hereof, is hereby repealed to the extent of such inconsistency.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 284, An act relative to workman's compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the second line the figures 179 and inserting in place thereof the figures 178 so that said section as amended shall read as follows:

1. *Determination of Questions by the Court.* Amend section 29 of chapter 178 of the Public Laws (section 33, chapter 209, commissioners' report) by inserting after the word "chapter" in the second line the words, or any injured workman coming under the compensation features of this chapter, so that said section as amended shall read as follows: 29. *Petition.* Any employer who has declared his intention to act under the compensation features of this chapter, or any injured workman coming under the compensation features of this chapter, shall have the right to apply by similar proceedings to the superior court, or to any justice thereof, for a determination of the amount of the weekly payments, or of a lump sum in lieu of such weekly payments, to be paid the injured workman.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Adams of Lincoln, for the Committee on Labor, to whom was referred House Bill No. 322, An act relative to unemployment compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

#### **Amendment 1. Base Period**

Amend House Bill No. 322, as printed, Section 1, page 2, line 12 by inserting after the words "after July 1, 1940" the following phrase "and is accepted," so that, as amended, said section shall read:

"A. 'Base Period' means the calendar year immediately preceding any benefit year, except that the base period for an individual who is inducted into com-

pulsory military service or who volunteers for induction under the terms of the Selective Service and Training Act after July 1, 1940 and is accepted shall be determined in accordance with the provisions of Section 2-D of this chapter."

#### **Amendment 1A. Employer**

Amend House Bill No. 322, as printed, Section 2, page 2 by deleting the whole of the said section as contained in said House Bill.

#### **Amendment 2. Employment**

Amend House Bill No. 322, as printed, by inserting the following new Section 3-A on page 3 thereof, the same to read as follows: "3-A. Amend Section 1-1 (1) of the Public Laws, Chapter 179-A as inserted by Chapter 178, Laws of 1937 and as amended by Chapter 138, Laws of 1939, by striking out the phrase 'or any service required by statute,' so that, as amended, the same shall read as follows:

"I. '*Employment.*' (1) subject to the other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. The term 'employment' shall include an individual's entire service performed within or both within and without this state:"

(a) If all or the greater part of such services are performed within this state; or

(b) If that fact is not readily determinable by the commissioner, if some part of such service is performed in this state and the individual's base of operations or place from which his services are directed or controlled is in this state; or



(c) If neither of the foregoing facts are readily determinable by the commissioner, if part of such services are performed in this state and the individual's residence is in this state.

#### **Amendment 2A. State**

Amend House Bill No. 322, as printed, Section 6, page 9, line 4 by inserting a comma after the word "includes," so that, as amended, the same shall read as follows:

"M. 'State' includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia."

#### **Amendment 3. Total and Partial Unemployment**

Amend House Bill No. 322, as printed, Section 7, page 9, line 6 by striking out the phrase "he has earned no wages" and inserting in place thereof the phrase "no wages are payable to him," so that, as amended, said section shall read as follows:

"N. 'Total and Partial Unemployment' (1) An individual shall be deemed 'totally unemployed' in any week with respect to which no wages are payable to him, and during which he performs no services.

"(2) An individual shall be deemed to be 'partially unemployed' in any week of less than full time work if the wages computed to the nearest dollar payable to him for such week fail to equal his weekly benefit amount.

"(3) As used in this subsection, the term 'wages' shall not include the first two dollars earned during any week."

#### **Amendment 4. Wages**

Amend House Bill No. 322, as printed, Section 9,

page 10, by striking out the whole of the same and substituting in place thereof the following:

"9. *Wages*. Amend Section 1-P of said Chapter 179-A by striking out the whole of the same and substituting in place thereof:

"P. '*Wages*' means every form of remuneration for personal services paid or payable to a person directly or indirectly, by his employer, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payment in kind and similar advantages estimated and determined in accordance with the rules of the commissioner.

"(1) The term wages shall not include:

"(a) For the purposes of paragraph 2 of this Section, Section 2-B, Section 3-D, and Section 6 of this Act, that part of remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year is paid to such individual by such employer with respect to employment occurring during such calendar year and after December 31, 1940.

"(b) The amount of any payment made to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of individuals in its employ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of

the premiums (or contributions to premiums) paid by the employing unit, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employing unit;

“(c) Dismissal payments which the employing unit is not legally required to make;

“(d) Any amounts paid by an employing unit under the provisions of Section 1400 of the Internal Revenue Code without having deducted the same from the remuneration of individuals in its employ.”

#### **Amendment 4A. Weekly Benefit Amount for Total Unemployment**

Amend House Bill No. 322, as printed, Section 13, page 16, lines 18 and 19 by striking out the following:

“\$200.00 - 299.99	\$5	\$70
“ 300.00 - 399.99	6	84

and inserting in place thereof the following:

“\$200.00 - 399.99	\$6	\$84
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so that as amended the same shall read:

A	B	C
“Total Annual Earnings in Base Period	Weekly Benefit Amount	Maximum Benefits
\$200.00 - 399.99	\$6	\$84
400.00 - 499.99	7	98
500.00 - 599.99	8	112
600.00 - 699.99	9	144
700.00 - 799.99	10	160



800.00 - 899.99	11	176
900.00 - 999.99	12	192
1,000.00 - 1,149.99	13	208
1,150.00 - 1,299.99	14	224
1,300.00 & over	15	240"

**Amendment 5. Computation of Weekly Benefits for  
Persons Affected by Selective Service and  
Training Act**

Amend House Bill No. 322, as printed, Section 15, page 17, line 8, by inserting after words "after July 1, 1940" the following phrase "and is accepted," so that, as amended, said section will read:

"D. An individual who is inducted into compulsory military service or who volunteers for induction under the terms of the Selective Service and Training Act after July 1, 1940 and is accepted shall, at the time of his honorable discharge, provided he is otherwise eligible, receive whichever is the greater of:

"(1) the unused benefits based on earnings in the calendar year immediately preceding induction, or

"(2) the unused benefits based on earnings in the calendar year in which inducted; provided that benefits based on earnings in such calendar year are or have been available to all claimants generally under this chapter.

"If such an inducted individual has not exhausted the benefits to which he is thus entitled at the close of the benefit year in which discharged, then he shall, if otherwise eligible, receive in the next benefit year whichever is the greater of:

"(a) the balance of the unused benefits to which he was entitled under (1) or (2) above or

"(b) the unused benefits based on earnings in the base period for that benefit year."

**Amendment 5A. Benefit Eligibility Conditions**

Amend House Bill No. 322, as printed, Section 16, page 18, by striking out the whole thereof and inserting in place thereof the following:

**"16. Benefit Eligibility Conditions.** Amend subsection D of section 3 of Chapter 179-A, as inserted by section 178 of the Laws of 1937, as amended by section 9 of chapter 138 of the Laws of 1939 by striking out the whole of the first paragraph and inserting in place thereof the following:

"D. Prior to any week for which he receives benefits, he must have been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week in which he earns no wages in excess of \$2.00) for a waiting period of two weeks within the same benefit year and fulfilled the other requirements of this section. No individual shall be required to accumulate more than two waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection:

"(1) If benefits have been paid with respect thereto;

"(2) Unless it occurs after benefits first could become payable to any individual under this chapter;

“(3) Unless he has annual earnings of two hundred dollars within the base period in accordance with section 1-P (2).”

#### **Amendment 5B. Disqualifications for Benefits**

Amend House Bill No. 322, as printed, Section 17 page 20, line 6 by deleting the article “a,” so that, as amended, said section shall read as follows:

“Disqualifications for Benefits. An individual shall be disqualified for benefits:

“A. For the period of unemployment next ensuing after an individual has left his work voluntarily without good cause in accordance with the rules and regulations of the commissioner; and no waiting period may be served during such period. For the purposes of this section the period of ‘unemployment’ shall continue until the individual has earned in any one week wages equal to or in excess of two dollars more than his weekly benefit amounts.”

#### **Amendment 6. Disqualifications for Benefits**

Amend House Bill No. 322, as printed, Section 20, subsection 6, page 25 by changing the form of the printed page so that the phrase beginning with the word “provided” on line 19 will be written at the outer left hand margin so that, as printed, the section shall read as follows:

“(6) Any payments, upon his discharge from military service, from either the State or Federal Government, or both; “provided that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.”



**Amendment 6A. Initial Determination**  
**New Section 21-A**

Amend House Bill 322, as printed, by inserting a new section 21a which shall read as follows:

“Amend section 5-c of said chapter 179-A by striking out the capital letter “F” in body of said section and substituting in place thereof the capital letter “G”, so that as amended the same shall read as follows:

“‘C. *Appeals.* Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal’s decision, together with its reasons therefor. Such decision shall be deemed to be the final decision of the commissioner, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection G of this section.’”

**Amendment 6A-1. Commissioner Review**

Amend House Bill No. 322 by inserting new section 21B which shall read as follows:

“Amend section 5-F of said chapter 179-A by striking out the whole of said section.”

**Amendment 6B. Witnesses’ and Sheriffs’ Fees**  
**New Section 21-B**

Amend House Bill No. 322, as printed, by inserting a new section 21B to read as follows:

“Amend section 5-G of said chapter 179-A by striking out the capital letter “G” in the title thereof and substituting in place thereof the capital letter “F”, so that as amended the title shall read:

“‘F. *Witnesses’ and Sheriffs’ Fees.*’”

**Amendment 6C. Appeal to Courts  
New Section 21C**

Amend House Bill No. 322, as printed, by inserting new section 21C to read as follows:

“Amend section 5H of said chapter 179-A by striking out the capital letter “H” in the title thereof and substituting in place thereof the capital letter “G”, so that as amended the title shall read:

“‘G. *Appeal to Courts.*’”

**Amendment 7. Separate Accounts**

Amend House Bill No. 322, as printed, section 24, page 31, line 5, by changing the article “a” to “an” and further amending said section 24, page 31, line 6, by deleting the word “covered,” and further amending said section 24, page 31, line 14, by deleting the word “covered,” further amending section 24, page 32, line 27, by changing the article “a” to “an” and further amending said section 24, page 32, line 28, by deleting the word “covered,” and further amending said section 24, page 32, line 36, by deleting the word “covered,” so that said section as amended shall read as follows:

“24. *Separate Accounts.* Amend section 6-C of said chapter 179-A by inserting the following after the first paragraph of said section:

“If it is proven to the satisfaction of the Commissioner that an individual after leaving the employment of an employer, but before the beginning of a compensable week, works within or without the State and earns in employment not subject to this Chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no

charge against that last employer, and benefits paid to the individual shall be charged against the fund," so that, as amended, said section shall read as follows:

"C. The commissioner shall maintain a separate accounts for each employee and shall credit his account with all the contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer.

"If it is proven to the satisfaction of the commissioner that an individual after leaving the employment of an employer, but before the beginning of a compensable week, works within or without the State and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no charge against that last employer, and benefits paid to the individual shall be charged against the fund.

"Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

"Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after the effective date of this section.



"If objections to such charges are received, any redetermination of the amounts charged against an employer's account, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

"The commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time."

**Amendment 8. Adjustment of Contribution by  
Compromise**

Amend House Bill No. 322, as printed, section 36, page 49, line 10, by adding the words "and interest" at the end of said section, so that, as amended, said section will read as follows:

"E. *Adjustment of Contribution by Compromise.* The commissioner may, with the approval of the Attorney General, effect by written stipulation such settlement of the contribution or interest due under the provisions of this chapter as he may deem to be for the best interests of the State, and the payment of the sum so agreed upon shall be a full satisfaction of such contribution and interest."

**Amendment 9. Failure of Employer to File Report of  
Contributions due**

Amend House Bill No. 322, as printed, section 38, page 50, line 9 by deleting the letters "ed" from the word "corrected;" further amend said section 38, page 51, line 13 by striking out the small letter "a" in parentheses and inserting in place thereof the capital letter "A"; and further amend said section 38, page 52, line 32 by changing the word "the" to "on" and adding the words "the determination" after the word "appeal"

so that, as amended, said section shall read as follows:

"G. *Failure of Employer to File Report of Contributions Due.* If an employer shall fail to file a report for the purpose of determining the amount of contributions due under this chapter, or if such report when filed shall be incorrect or insufficient and the employer shall fail to file a correct or sufficient report within twenty days after the administrator shall have required the same by written notice, the administrator shall determine the amount of contribution due, with interest thereon pursuant to subsection A hereof, from such employer on the basis of such information as he may be able to obtain and he shall give written notice of such determination to the employer. Such determination shall finally fix the amount of contribution unless the employer shall, within thirty days after the giving of such notice, appeal to the superior court for Merrimack County or for the county in which the employer's principal place of business is located. Such appeal shall set forth in detail each ground upon which it is claimed that the administrator's determination is in error, and a copy thereof shall be sent to the administrator at the time such appeal is filed. Said court shall give notice of a time and place of hearing thereon to the parties. At such hearing the determination of the administrator shall be deemed to be *prima facie* correct and the burden of proving error therein on such appeal shall be upon the employer. The court shall not consider any ground of error not set forth in the appeal except for good cause shown.

"If on appeal the determination of the administrator shall be confirmed, or the amount of the contribution originally determined by the administrator shall be increased, the cost of such proceedings, as in civil actions, shall be assessed against the employer. No costs shall be assessed against the state on such appeal."

**Amendment 10. Service of Process**

Amend House Bill No. 322, section 40, by striking out the word "day" in the last sentence thereof and inserting in place thereof the word "date" so that the last sentence appearing in said section 40, as amended, will read:

"The Secretary of State shall keep a record of all such processes, which shall show the date and hour of service."

**Amendment 11. Reciprocal Arrangements**

Amend House Bill No. 322 by adding new section 43-A before section 44, page 58 of the aforesaid House Bill, as printed. New section 43-A is to read as follows:

"Amend section 15 of said chapter 179-A by striking out the whole of the same and substituting in place thereof the following:

*"15. Reciprocal Arrangements.*

"A. The commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in section 1 of this chapter or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and



reasonable as to all affected interests and will not result in any substantial loss to the fund.

“B. Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another State or of the Federal Government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this Act, and wages for insured work, on the basis of which an individual may become entitled to benefits under this Act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another State or of the Federal Government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commissioner finds will be fair and reasonable as to all affected interests; and

“C. Contributions due under this Act with respect to wages for insured work shall for the purposes of section 11 of this act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or Federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the commissioner finds will be fair and reasonable as to all affected interests.

“D. Reimbursements paid from the fund pursuant to any reciprocal arrangement authorized by the provisions of this chapter shall be deemed to be benefits

for the purpose of sections 2 and 8 of this chapter. The commissioner is authorized to make to other State or Federal agencies and to receive from such other State or Federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection A of this section."

**Amendment 12. Federal Minimum Standards  
New Section 46-A**

Amend House Bill No. 322, as printed, by inserting new section 46-A to read as follows:

"Amend chapter 179-A by inserting the following new section 19 to follow the present section 18 of said law:

"'19. *Federal Minimum Standards.* In the event that the Congress of the United States should pass any legislation establishing certain minimum standards directing the states to make such changes in their various laws as may be necessary to bring them in conformity with such minimum standards, the commissioner, or his duly authorized representative, is hereby authorized to make such revision as may be necessary to cause the provisions of this chapter to conform with such minimum standards. If any of the provisions of this section or the application thereof to any persons or circumstances are held invalid, the remainder of this chapter in the application of this section to other persons or circumstances shall not be affected thereby.'"

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

On motion of Mr. Adams of Lincoln, the Clerk was instructed to mail to the members, a copy of Thursday's Journal.

Mr. Marshall of Northumberland, for the Joint

Committee on Public Health and Agriculture, to whom was referred House Bill No. 197, An act to regulate the sale or service of milk and cream in public eating and drinking places in towns and cities with a population in excess of 3,000 inhabitants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 19, An act relating to the proceeds of the sale of tax-acquired property, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Smart of Ossipee, moved that the words "ought to pass" be substituted for the words "inexpedient to legislate" and with that motion pending the bill and its accompanying report be laid upon the table and made a special order for Wednesday, March 12 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred House Bill No. 259, An act for the adoption of a state anthem, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Hayes of Tuftonboro moved that the words "ought to pass" be substituted for the words "inexpedient to legislate" and with that motion pending the bill and its accompanying report be laid upon the table and made a special order for Wednesday, March 12, at 11:02 o'clock.



On a *viva voce* vote the motion prevailed.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 296, An act relating to rights of utilities and consumers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Gile of Lebanon moved that the words "ought to pass" be substituted for the words "inexpedient to legislate," and with that motion pending, the bill and its accompanying report be laid upon the table and made a special order for Wednesday, March 12, at 11:03 o'clock.

On a *viva voce* vote the motion prevailed.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill and joint resolutions, sent up from the House of Representatives:

House Bill No. 320, An act relating to the office of Attorney General.

House Joint Resolution No. 30, Joint resolution in favor of Mount Washington Observatory.

House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton County of funds remaining in the hands of the State Treasurer to the credit of the town of Livermore.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 11, An act relating to departmental expenditures.

**Senate Bill Read and Referred**

Senate Bill No. 11, An act relating to departmental expenditures.

Read a first and second time and referred to the Committee on Appropriations.

The message further announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 2, Joint resolution making an appropriation for the dredging of the entrance to the channel of Big Squam lake in the town of Holderness.

**Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 2, Joint resolution making an appropriation for the dredging of the entrance to the channel of Big Squam lake in the town of Holderness.

Read a first and second time and referred to the Committee on Appropriations.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 16, An act relating to cost of briefs in Supreme Court.

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1. *Amendment.* Amend section 28, chapter 315 of the Public Laws, by striking out said section and inserting in place thereof the following new section: 28. *Briefs.* The prevailing party shall be entitled to

tax and recover of the adverse party for the preparation and printing of the briefs of his counsel, the sum of ten dollars together with the actual cost of printing not more than twenty-five copies of the briefs, to be allowed by said Court, if copies thereof have been furnished, as provided in section 11, within the time limited by rules of the Court or any special order made in the case.

2. *Takes Effect.* This act shall take effect April 1, 1941.

On motion of Mr. Matson of Concord, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 89, An act to amend the charter of the Elliot Hospital in the city of Manchester.

Amend section 1 of said bill by inserting after the figure "1881" the following: as amended by chapter 309, Laws of 1909.

Amend said bill by adding after section 1 the following new section: 2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Wiggin of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 158, An act relating to smoking on the White Mountain National Forest.



Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *White Mountain National Forest.* Amend section 40-a, chapter 191, Public laws, as inserted by chapter 110, Laws of 1939 (section 42, chapter 225, commissioners report) by striking out said section and inserting in place thereof the following: 40-a. *Trespass and Smoking Prohibited.* It shall be unlawful for any person to enter upon, or to smoke upon, lands of the United States of America known as the White Mountain National Forest, as now or hereafter constituted, at any time when such entry or smoking shall be forbidden by valid order made for the purpose of protecting said forest from forest fire, pursuant to the laws of the United States.

On motion of Mr. Collins of Lisbon, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolution

Mr. Callahan of Keene offered the following resolution:

*Resolved,* That the Clerk be instructed to procure 600 printed copies of the following editorial entitled "Must a General Have an Army?" for distribution to members of the House.

The resolution was referred to the Committee on Appropriations.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, was made in order.

House Bill No. 51, (in Senate new draft), An act establishing the Laconia airport authority.

House Bill No. 134, An act relating to redemption of land sold for taxes.

House Bill No. 355, An act relating to the control of navigation at Rye Harbor.

Severally read a third time and passed and sent to Senate for concurrence.

Senate Bill No. 3, An act relating to investment of trust funds of towns.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Gilmartin of Manchester at 11.45 o'clock the House adjourned.

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SATURDAY, MARCH 8, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 8, 1941.

Mrs. Sara E. Otis,  
Concord, N. H.

DEAR MADAM:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,  
CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

WEDNESDAY, MARCH 12, 1941

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TUESDAY, MARCH 11, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Tuesday, March 11, 1941.

Mr. Auguste Senechal,  
Nashua, N. H.

DEAR SIR:

I shall be unable to attend the session on Tuesday morning. Will you kindly preside for me and oblige.

Yours respectfully,  
CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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WEDNESDAY, MARCH 12, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Hobbs of North Hampton, and Comi of Concord were granted leaves of absence for the day on account of illness.

Messrs. Corson of Derry, and Anderson of Manchester were granted leaves of absence for the day on account of important business.

Mr. Laird of Canterbury was granted leave of absence for the day on account of being snowbound.

Mr. Lord of Gilford was granted leave of absence for the day on account of attending a funeral.

Mr. Brennan of Dover was granted leave of absence for the week on account of important business.



Mr. Pierce of Walpole was granted leave of absence for the week on account of illness in the family.

Messrs. Graham of Antrim, Clark of Canaan, and Collette of Berlin were granted leaves of absence for the week on account of illness.

Messrs. Boynton of Hillsborough, and Higley of Acworth were granted leaves of absence for Thursday on account of important business.

### Committee Reports

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 333, An act relative to hours of labor in restaurants, cafes and eating houses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and convention building, with the recommendation that the joint resolution be referred to the Committee on Agriculture.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Agriculture.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 56, Joint resolution in favor of the estate of George Y. Emerson, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a

first and second time, laid upon the table to be printed and referred to the Committee on Claims.

Mr. Daniels of Manchester, Ward 1, moved that the rules be suspended, and the printing and reference to a committee of the joint resolution be dispensed with, and the joint resolution be put upon its third reading and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was then read a third time and passed, and sent to the Senate for concurrence.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 367, An act relating to ward lines in the city of Concord, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Matson of Concord moved that the order whereby House Bill No. 367, An act relating to the ward lines of the city of Concord, was referred to the Committee on Revision of the Statutes, be vacated and the rules suspended, and the bill be referred to a special committee consisting of the delegation from the city of Concord.

On a *viva voce* vote the motion prevailed.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 368, An act relative to the practice of hairdressing and manicuring, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Collins of Lisbon, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 338, An act relative to instruction for forest fire wardens, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 69, An act relating to investments by guardians, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in the fifth and twenty-fourth lines before the word, "In" the words, with the consent of the judge of probate having jurisdiction, so that said section as amended shall read as follows:

1. *Investments by Guardians.* Amend section 22 of chapter 290 of the Public Laws, as amended by chapter 71 of the Laws of 1931, by chapter 8 of the Laws of 1937, section 10 of chapter 72 of the Laws of 1939 (section 22, chapter 333 of the commissioners report) by adding at the end thereof the following new paragraph: IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state, so that said section as amended shall read as follows: 22. *Approved Classes.* Every guardian of a minor shall invest, in the name of his ward, or in his own name as guardian, the money and the proceeds of all real and personal property of his ward not required for the ward's support in the following described classes of property only:

I. In notes secured by mortgage of real estate at least double in value of the notes, or in notes or bonds



secured by mortgage insured by the federal housing administrator and guaranteed by the United States of America.

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

III. In such other stocks and bonds as are legal investments for savings banks in this state.

IV. With the consent of the judge of probate having jurisdiction, in life, endowment and annuity contracts of life insurance companies authorized to do business in this state.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Betley of Manchester, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 141, An act prohibiting certain employment of elected city officials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 54 of the Public Laws by inserting after section 2 the following new sections:

2a. *Prohibition.* No publicly elected official shall, during the term for which he was elected, be employed by any department, board or commission of the city in any other capacity, or to any other position of employment where compensation is allowed.

2b. Upon acceptance of any such employment by such official or member, his office shall forthwith become vacant and shall be filled as provided by law.

2c. *Application of Laws.* Any provision of any city charter, inconsistent with the provisions hereof, is hereby repealed to the extent of such inconsistency.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Osborne of Concord spoke in favor of the amendment.

Mr. Lesmerises of Manchester spoke against the amendment.

Mr. Lesmerises asked for a division but subsequently withdrew his request.

Mr. Lesmerises moved that the bill and its accompanying report be recommitted to the committee.

On a *viva voce* vote the bill and its accompanying report was recommitted to the Committee on Revision of the Statutes.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 284, An act relative to workmen's compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the second line the figures 179 and inserting in place thereof the figures 178 so that said section as amended shall read as follows:

1. *Determination of Questions by the Court.* Amend section 29 of chapter 178 of the Public Laws (section 33, chapter 209, commissioners' report) by inserting after the word "chapter" in the second line the words, or any injured workman coming under the

compensation features of this chapter, so that said section as amended shall read as follows: 29. *Petition*. Any employer who has declared his intention to act under the compensation features of this chapter, or any injured workman coming under the compensation features of this chapter, shall have the right to apply by similar proceedings to the superior court, or to any justice thereof, for a determination of the amount of the weekly payments, or of a lump sum in lieu of such weekly payments, to be paid the injured workman.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 331, An act relative to the taking of fox, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, that it is inexpedient to legislate.

Mr. Hayes of Dover moved that the bill and its accompanying report be recommitted to the committee.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Hayes of Dover and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Cotton of Barnstead and Shedd of New Boston spoke against the motion.

Mr. Cormier of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being to recommit.

On a *vive voce* vote the motion did not prevail.

Mr. Hayes of Dover called for a division.

A division being had 151 members voted in the



affirmative and 175 members voted in the negative and the motion to recommit did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

Mr. Hayes of Dover moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Hayes of Dover spoke in favor of the motion.

Mr. Cormier of Nashua moved that the bill and its accompanying report, with the motion to substitute pending, be laid upon the table and made a special order for Tuesday, March 25, at 11.01 o'clock.

On a *viva voce* vote the motion did not prevail.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Kenney of Loudon, Hayes of Rochester, Davis of Rochester, and Hale of Rochester, spoke in favor of the resolution.

Messrs. Cotton of Barnstead, and Nelson of Winchester spoke against the resolution.

Mr. Hayes of Barrington moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

Mr. Hayes of Dover asked for a division.

A division being had 130 members voted in the affirmative and 182 members voted in the negative and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Frain of Manchester moved that the House reconsider the vote whereby it adopted the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Adams of Lincoln, for the Committee on Labor, to whom was referred House Bill No. 322, An act relative to unemployment compensation, reported the same with the amendment as printed in the Journal of Thursday, March 6, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment.

Mr. Adams of Lincoln moved that the bill with amendments pending be recommitted to the Committee on Labor.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Adams of Lincoln spoke in favor of the motion.

Mr. Sweeney of Nashua, Ward 2, spoke against the motion.

On a *viva voce* vote the motion to recommit did not prevail.

The question being on the amendments.

On a *viva voce* vote the amendments were adopted.

Mr. Adams of Lincoln offered the following amendment.

“(2) ‘Annual Earnings’. The commissioner shall compute annual earnings for each individual by crediting him to the nearest dollar with the wages paid him for employment during each base period in accordance with such rules and regulations as the commissioner may prescribe.”

On a *viva voce* vote the amendment was adopted.

Mr. Dupont of Pembroke offered the following amendment.

Amend section 16 by striking out the words "two weeks" in line and inserting in place thereof the words, one week, so that said section as amended shall read as follows:

16. *Benefit Eligibility Conditions.* Amend section 3-D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following:

D. Prior to any week for which he receives benefits, he must have been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week in which he earns no wages in excess of \$2.00) for a waiting period of one week within the same benefit year and fulfilled the other requirements of this section. No individual shall be required to accumulate more than two waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection:

- (1) If benefits have been paid with respect thereto;
- (2) Unless it occurs after benefits first could become payable to any individual under this chapter;
- (3) Unless he has annual earnings of two hundred dollars within the base period in accordance with section 1-P (2).



The question being on the amendment offered by Mr. Dupont.

(Discussion ensued)

Messrs. Dupont of Pembroke and Sweeney of Nashua, Ward 2, spoke in favor of the amendment.

Mr. Adams of Lincoln spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Sweeney of Nashua, Ward 2, asked for a division.

A division being had 143 members voted in the affirmative and 158 members voted in the negative and the amendment was not adopted.

Mr. Dupont of Pembroke demanded the yeas and nays and the roll was called with the following result.

#### YEAS, 164

ROCKINGHAM COUNTY: Stowe, Currier, Fogg of Deerfield, Berthiaume, Morrison, Spollett, Patridge, Coleman, Labranche, Rousseau, Prescott, Dondero, Barrett, Burkhardt, Tucker.

STRAFFORD COUNTY: Hayes of Barrington, Jackson, Courchene, Shaheen, Ackroyd, Blanchard, Webster, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Hayes of Rochester, Ward 6, Hamel, Habel, Boucher, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Guay of Laconia.

CARROLL COUNTY: Vittum, Hayes of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Carter of Boscawen, Coakley, Veroneau, Henry, Clinton, Brunel, Matson, Mayo, Sullivan of Concord, Maxfield, Lemire, Riel, Whittier, DuDevoir, Lafond, Carr, Dupont.

HILLSBOROUGH COUNTY: Bills, Farwell, Clark of Francestown, Bartlett of Goffstown, Charois, Lievens, Abbott, Morrill, Woodbury of Manchester, Frain, Kean, O'Neil, Betley, Creighton, Dulac, O'Brien, Booth, Connolly, O'Connell, Benoit of Manchester.

Ward 7, Gaumont, Gorham, Tessier, Turcotte, Benoit of Manchester, Ward 8, Chevrette, Constant, Delisle, Donnelly, Provencher, Roy, Adams, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Roukey, Prince, Duval, Carter of Merrimack, Jewett, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Velishka, Shea of Nashua, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Thompson, Bigelow, Dugan.

CHESHIRE COUNTY: Duncan, Batchelor, Callahan, Lombard, Lichman, Duffy, Pickett, Wheeler, Doucette.

SULLIVAN COUNTY: Higley, Barrows, Beland, Daly, Decker, Gaffney, Marcotte, Murphy, Brigham, Bailey of Newport, Condon, Kempton, Philbrick of Springfield.

GRAFTON COUNTY: Haley, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Day, Morse.

COOS COUNTY: Hinchey, Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Studd, Brungot, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour.

#### NAYS, 164

ROCKINGHAM COUNTY: Tuttle, Lake, Wyman, Grinnell, Bourn, Cilley, Goodale, Pennell, Robbins of Fremont, Merrill of Hampton, Nesmith, Pridham, Johnson of Northwood, Sanborn of Nottingham, Palmer, Foote of Portsmouth, Gray, Redden, Yeaton, Schlegel, Kane of Portsmouth, Holmes, Peever.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Smart of Durham, Longley, Hale of Rochester, Studley, Fernald, Nutter.

BELKNAP COUNTY: Cotton, Nichols, Brown of Gilmanton, Tilton of Laconia, Ward 3, Merrill of

Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Huntress, Banfield, Smart of Ossipee, Knox, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Moore of Bradford, Sanborn of Chichester, Davis of Concord, Otis, Potter, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Upton, Ford, Bunker, Douphinett, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Freese, Perkins, Connor, Cloues, Mock.

HILLSBOROUGH COUNTY: Wiggin of Bedford, Edwards, Brown of Goffstown, Wakefield, Gleason, Boynton, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Barnard, Carter of Manchester, Gage, Ellison, Wadleigh, Atherton, Cooper, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Robertson, Aldrich, Mason of Keene, Tarbox, Blake, Grimes, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hamlin, Maley, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Oakes, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Bailey of Lyme, Johnson of Monroe, Cushman, Bell, Merrill of Plymouth, Barney, Robbins of Thornton, Gilbert, Sawyer.

COOS COUNTY: Evans of Berlin, Christiansen, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Chandler, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.



And the question being equally divided, the amendment was not adopted.

Mr. Dupont moved that the House reconsider the vote whereby it refused to adopt the amendment.

On a *viva voce* vote the Chair was in doubt and called for a division.

A division being had, 162 members voted in the affirmative and 159 members voted in the negative and the motion to reconsider prevailed.

Mr. Sweeney of Nashua, Ward 2, moved that the bill with the amendment pending be laid upon the table and made a special order for Tuesday, March 19, at 11.01 o'clock.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment offered by Mr. Dupont of Pembroke.

(Discussion ensued)

Messrs. Lichman of Keene, Coakley of Concord, Sweeney of Nashua, Ward 2, and Hayes of Barrington spoke in favor of the amendment.

Messrs. Adams of Lincoln and St. Francois of Nashua spoke against the amendment.

On a *viva voce* vote the Chair was in doubt.

Mr. Sweeney of Nashua, Ward 2, asked for a division.

A division being had 175 members voted in the affirmative and 148 members voted in the negative, the amendment was adopted and the bill ordered to a third reading.

Mr. Coakley of Concord moved that the House reconsider the vote whereby it ordered the bill to a third reading.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Dupont moved that the rules be suspended and

the bill be made in order for a third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion prevailed.

Mr. Sweeney of Nashua, Ward 2, asked for a division.

A division being had 251 members voted in the affirmative and 15 members voted in the negative and the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Special Orders

Mr. Smart of Ossipee called for the special order.

House Bill No. 19, An act relating to the proceeds of the sale of tax acquired property.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

(Discussion ensued)

Messrs. Smart of Ossipee, Betley and Connelly of Manchester spoke for the motion.

Messrs. Myhaver of Peterborough and Tuttle of Atkinson spoke again the motion.

Mr. Smart of Ossipee moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute prevailed.

Mr. Myhaver of Peterborough asked for a division.

A division being had, 201 members voted in the affirmative, and 101 members voted in the negative, and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" prevailed.

Mr. Upton of Concord offered the following amendment:

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. Amend chapter 66 of the Public Laws by inserting after section 39 thereof the following new section:

39a. *Profit on Sale.* Whenever a town shall resell property conveyed to it by a collector's deed, the amount received on such sale in excess of the amount of taxes plus interest and costs for which the same was sold, with interest on the whole amount at six per cent from the date of the deed to the date of receiving the consideration for the resale, plus taxes on such property at the prevailing rate of the town or city for each year during such interim plus necessary maintenance costs expended, shall be payable upon demand to the original owner or his representatives in interest, during a period of two years from the date of the deed of resale.

The question being on the amendment.

(Discussion ensued)

Messrs. Upton and Osborne of Concord spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Betley of Manchester moved that the rules be suspended, and the bill made in order for a third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Mr. Hayes of Tufonboro called for the special order.

House Bill No. 259, An act for the adoption of a state anthem.

The question being on the motion to substitute the



words "ought to pass" for the words "inexpedient to legislate."

Mr. Hayes of Tuftonboro moved that the rules be suspended, and that Mrs. Cunningham of Wolfeboro be allowed to sing this song, and that the pages be instructed to distribute copies to the members.

On a *viva voce* vote the motion prevailed.

The question being on the motion to substitute.

Messrs. Hayes of Tuftonboro, Grinnell and Morri-son of Derry, and Gage of Manchester spoke in favor of the motion.

Messrs. Duncan of Jaffrey and Wyman of Candia spoke against the motion.

Mr. Rollins of Alton moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

Mr. Hayes of Tuftonboro asked for a division.

A division being had, 76 members voted in the affirmative, and 212 members voted in the negative, the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Wyman of Candia moved that the House reconsider the vote whereby it adopted the report of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Gile of Lebanon called for the special order.

House Bill No. 296, An act relating to rights of utilities and consumers.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

(Discussion ensued)

Mr. Gile of Lebanon spoke in favor of the motion.

Messrs. Osborne of Concord and Pennell of Exeter spoke against the motion.

Mr. Wiggin of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Osborne of Concord moved that the House reconsider the vote whereby it adopted the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 178, An act relative to state and state aid highways and trunk lines.

The message further announced that the Senate had voted to adopt the amendments offered by the Com-

mittee on Engrossed Bills, to the following house bills and joint resolution in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state.

Amend section 1 of said bill by inserting after the words "of such state" in the seventeenth line the words, or territory.

On motion of Mr. Pennell of Exeter the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 90, An act to amend the charter of Masonic Home.

Amend said bill by inserting after section 1 the following new section: 2. *Takes Effect*. This act shall take effect upon its passage.

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 93, An act for relief on banks' petition.

Amend section 1 by striking out the first two lines thereof and inserting in place thereof the following:

1. *Inactive Accounts in Savings Banks*. Amend chapter 261 of the Public Laws by inserting after section 41 (section 26 chapter 300 commissioners report) the following new section:

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following: 2. *Payments into State Treasury*. Amend section 42 of chapter 261, Public Laws (section 27, chapter



300, commissioners report) by striking out said section and inserting in place thereof the following:

On motion of Mr. Potter of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 320, An act relating to the office of Attorney General.

Amend section 1 of said bill by inserting after the words "Public Laws" the following: (section 4, chapter 24, commissioners' report).

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Repeal.* Section 6 of chapter 16 of the Public Laws (section 6, chapter 24, commissioners report) relative to the right of the attorney general to engage in private practice, is hereby repealed.

On motion of Mr. Daniels, of Manchester, Ward 1, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton County of funds remaining in the hands of the state treasurer to the credit of the town of Livermore.

Amend said resolution by striking out the word and figure "that 1" in the first line after the resolving clause and by striking out the following: "2. This act shall take effect upon its passage."

On motion of Mr. Hunter of Hanover the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The joint resolution was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 26, An act relating to license fees for the taking of fish and game.

### Senate Bill Read and Referred

Senate Bill No. 26, an Act relating to license fees for the taking of fish and game.

Read a first and second time and referred to the Committee on Fisheries and Game.

### Resolutions.

Mr. Wyman of Candia offered the following resolution.

*Resolved*, That the House extend a vote of thanks to Mrs. Kathleen Cunningham for her rendition of the song "Old New Hampshire" and

*Be it further resolved*, That the House extend a vote of thanks to Mrs. Lillian Trombly for her accompaniment.

*And be it further resolved*, That a copy of these resolutions be transmitted to Mrs. Cunningham and Mrs. Trombly.

On a *viva voce* vote the resolution was adopted.

Mr. Lombard of Keene offered the following resolution.

*Whereas*, we have learned of the death of the mother of Sidney Frissell, Representative from Keene, therefore be it

*Resolved*, That the Speaker appoint a committee of six to submit suitable resolutions of sympathy.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs, Lombard, Callahan, Pelletier, Pickett and Lichman of Keene and Brennan of Westmoreland.

On motion of Mrs. Cooper of Nashua the House adjourned.

The House was immediately called to order in afternoon session.

### Afternoon

### Third Readings

On motion of Mr. Chase of Manchester, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 284, An act relative to workmen's compensation. Read a third time and passed and sent to the Senate for concurrence.

House Bill No. 69, An act relating to investment by guardians. Read a third time.

The question being, Shall the bill pass?

Mr. Winslow of Chesterfield moved that the bill be put back on its second reading.

The question being on the motion of Mr. Winslow.

(Discussion ensued)

Mr. Winslow of Chesterfield spoke in favor of the motion.

Mr. Atherton of Nashua spoke against the motion.

On a *viva voce* vote the the motion did not prevail.

The bill passed and was sent to the Senate for concurrence.

On motion of Mrs. Christiansen of Berlin at 3:25 o'clock the House adjourned.

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THURSDAY, MARCH 13, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.



### Leaves of Absence

Messrs. Bills of Amherst, Hopkins of Laconia, and Corson of Derry were granted leaves of absence for the day on account of important business.

Messrs. Comi of Concord, Tilton of Concord and Morse of Warren were granted leaves of absence for the day on account of illness.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10:00 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 11:00 o'clock.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 16, An act relating to cost of briefs in the supreme court.

House Bill No. 51 (in Senate new draft), An act establishing the Laconia Airport Authority.

House Bill No. 89, An act to amend the charter of the Elliot Hospital of the city of Manchester.

House Bill No. 153, An act relative to reinstatement of state officials and employees who enter into the military or naval service of the United States for national defense in the present emergency.

House Bill No. 158, An act relating to smoking in the White Mountain National Forest.

House Joint Resolution No. 30, Joint resolution in favor of Mount Washington Observatory.

The report was accepted.

Mr. Matson of Concord, for the Committee on En-

grossed Bills, to whom was referred Senate Bill No. 13, An act amending chapter 152 of Laws of 1899 entitled "An act to incorporate the Mascoma Savings Bank of Lebanon," reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the Mascoma Savings Bank of Lebanon.

The report was accepted.

On a *viva voce* vote the House concurred in the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 46, An act relating to temporary insurance licenses, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Licenses.* Amend section 14-e of chapter 273 of the Public Laws, as inserted by section 2 of chapter 124 of the Laws of 1933, (Commissioners' Report, chapter 314, section 20) by adding at the end thereof the following:

Whenever an agent licensed under this subdivision shall be drafted or volunteer for service in the armed forces of the United States, the commissioner may issue to a suitable person without examination a license for such period of time as in the opinion of the commissioner is necessary for the continuation of the

business of the agency thereby affected, so that said section as amended shall read as follows:

14-e. *Temporary Licenses.* Upon the death or disability of a licensed agent, or the termination of an agency the commissioner may issue to a suitable person without examination a license for a limited period of time not exceeding six months, if in his opinion such temporary license is necessary for the continuation of the business of the agency thereby affected. Whenever an agent licensed under this subdivision shall be drafted or volunteer for service in the armed forces of the United States, the Commissioner may issue to a suitable person without examination a license for such period of time as in the opinion of the commissioner is necessary for the continuation of the business of the agency thereby affected.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 261, An act relative to terms to be used in advertising and sale of apples in other than closed packages, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 307, An act relating to the grading, marking and branding of apples, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor



Laws, to whom was referred House Bill No. 199 (in new draft and new title), An act relating to the expiration date of permits and licenses issued by the state liquor commission, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 330, An act relative to taxation of poultry, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred Senate Bill No. 1, An act relative to the state forest reservation and park established in the town of Pittsburg, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 369, An act providing for annual audits for certain state departments, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 370, An act relative to payment of fines and costs in motor vehicle violations and certain other violations of law, with the recom-

mendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 372, An act to amend the charter of New Hampshire Annual Conference of the Methodist Church, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 293, An act to prevent increased valuation of property, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Morris of Lancaster, for the Special Committee, consisting of the members from Coos County, to whom was referred House Bill No. 97, An act providing for a fiscal agent for the county of Coos, re-

ported the same, in new draft, with the recommendation that the bill in its new draft ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Fiscal Agent.* The governor, with the advice and consent of the council, is hereby authorized to appoint a fiscal agent for the county of Coos. He shall serve during the pleasure of the governor and council, and shall have the powers and duties set forth in this act, provided, however, that such powers shall not extend to expenditures now subject to the approval of the superior court under general law.

2. *Qualifications; Salary; Bond.* The fiscal agent shall be a citizen of the State of New Hampshire. Before entering upon his duties he shall give such bond in the penal sum of ten thousand dollars as the governor and council shall approve. He shall be paid such salary, not exceeding thirty-five hundred dollars per annum, as the governor and council shall prescribe and, in addition, shall be allowed his necessary traveling expenses while engaged in official business, provided, however, that he resides in Coos county during his term of office. His salary and expenses shall be paid by the county of Coos.

3. *Powers and Duties.* The fiscal agent shall supervise and direct the incurring of obligations against and the expenditure of all funds which may be raised and appropriated for the benefit of said county. No obligation of said county shall be incurred by an officer thereof and no funds of said county shall be expended without the approval of said fiscal agent. He shall countersign all warrants or orders for the payment of any money drawn upon any funds held by the treasurer of Coos county, and said treasurer shall pay out no money unless upon warrant or order counter-



signed by such fiscal agent. The fiscal agent shall have all powers and duties of the county commissioners of Coos county and he, with the approval of the superior court

(a) may borrow such sums as shall be deemed necessary to meet the demands upon the county treasury and give the note of the county therefor, provided, however, that if the sum borrowed under the provisions hereof, when added to the taxes of the same fiscal year that shall have been collected, shall be in excess of one hundred and ten per cent of the total appropriations made for such year by the county convention, the authorization of the county convention, in addition to the approval of the superior court, shall be required for such excess borrowings;

(b) may borrow from time to time such sums as he shall deem necessary for the purpose of refunding existing notes and issue in place thereof serial notes payable within seven years from their respective dates of issue.

All notes issued under the provisions of this act shall be signed by the fiscal agent and countersigned by the county treasurer. The clerk of the superior court for the county of Coos shall attest and record all such notes.

4. *Reports.* The fiscal agent shall submit a quarterly report in writing to the chairman of the county convention and to each member of the delegation covering all financial transactions including an itemized account of all personal expenses for the preceding month.

5. The fiscal agent shall use the services of the county commissioners insofar as it shall be practicable and advisable in the carrying on of the affairs of the

county. No moneys, however, shall be paid out except on the warrant or order of the fiscal agent.

6. *Inconsistent Laws.* All powers and duties of county commissioners and county treasurers granted and imposed by any other acts or parts of acts which are inconsistent with the provisions of this act are made inoperative so far as they apply to the county treasurer of the county of Coos.

7. *Takes Effect.* This act shall be effective from April 1, 1941 to April 1, 1943, provided that said fiscal agent may be appointed upon the passage of this act.

A minority of the Special Committee, consisting of the members from Coos county, to whom was referred House Bill No. 97, An act providing for a fiscal agent for the county of Coos, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

JOSEPH A. SEYMOUR,  
REBECCA GAGNON,  
HILDA C. F. BRUNGOT,  
ESTHER C. BIXBY,  
RAOUL L. RAMSEY,  
GEORGE M. WEEKS,  
ALPHONSINE M. DUGAS,  
SAMUEL A. WEEKS,  
HENRY M. MOFFETT,  
PETE COLLETTE,  
FRED G. HAYES,

*A Minority of the Committee.*

The report was accepted.

The bill in its new draft was laid upon the table to be printed.

### **Resolution**

On motion of Mr. Seymour of Carroll the Clerk was

instructed to mail to the members from Coos county a copy of House Bill No. 97 (in new draft), An act providing for a fiscal agent for the county of Coos.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 19, An act relating to the register of deeds for Strafford county.

### Senate Bill Read and Referred

Senate Bill No. 19, An act relating to the register of deeds for Strafford county.

Read a first and second time, and referred to the Committee on Revision of the Statutes.

### Resolution

Mr. Bass of Peterborough offered the following resolution:

*Resolved*, That no member be allowed mileage for a week unless he shall sign the mileage roster, at the Sergeant-at-Arms' room, on Tuesday and Thursday of each week, provided the House is then in session.

The resolution was referred to the Committee on Mileage.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 46, An act relating to temporary insurance licenses.

House Bill No. 199 (in new draft and new title), An act relating to the expiration date of permits and licenses issued by the state liquor commission.



House Bill No. 330, An act relative to taxation of poultry.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 1, An act relative to the state forest reservation and park established in the town of Pittsburg.

Read a third time and passed, and sent to the Secretary of the State to be engrossed.

### Resolution

On motion of Mr. Seymour of Carroll,

*Resolved*, That when the House adjourns today, it adjourn in honor of the birthday of the member from Greenville, Mrs. Bernadette E. Charois.

On motion of Mrs. Charois of Greenville at 11:40 o'clock the House adjourned.

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SATURDAY, MARCH 15, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 15, 1941.

Mr. Arthur F. Sturtevant,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

TUESDAY, MARCH 18, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Lievens of Hudson, Cryan of Haverhill, Tilton of Ward 4, Laconia, Myhaver of Peterborough and Sullivan of Nashua were granted leaves of absence for the day on account of important business.

Messrs. Woodbury of Manchester, Fecteau of Epping, Moore of Bradford and Mason of Keene were granted leaves of absence for the day on account of illness.

Mr. Collette of Berlin was granted leave of absence until further notice on account of illness.

Mr. Tarlson of Laconia was granted leave of absence for the week on account of important business.

Mr. Ellison of Milford was granted leave of absence for Wednesday on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 1, An act relative to the state forest reservation and park established in the town of Pittsburg.

Senate Bill No. 3, An act relating to investment of trust funds of towns.

House Bill No. 28, An act relative to distribution of session laws to libraries outside of the state.

House Bill No. 90, An act to amend the charter of Masonic Home.

House Bill No. 93, An act for relief on bank's petition.

House Bill No. 320, An act relating to the office of attorney-general.

House Bill No. 327, An act relating to the election of officers of the Penacook Union School District.

House Joint Resolution No. 50, Joint resolution relating to the transfer to Grafton county of funds remaining in the hands of the state treasurer to the credit of the town of Livermore.

The report was accepted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 55, An act relating to hunting on Sunday, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 292, An act relating to the taking of hares and rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 270, An act relative to licenses for non-resident fur-buyers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 25, Joint resolution relative to the Lead Mine Bridge in the town of Gorham, reported the same with the following resolution:



*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 276, An act relating to the assessment of standing wood and timber, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Duncan of Jaffrey moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Adams of Lincoln spoke in favor of the motion.

Messrs. Cilley of Exeter and Tarbox of Marlboro spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Duncan of Jaffrey asked for a division.

A division being had 135 members voted in the affirmative, 202 members voted in the negative and the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 339, An act providing for a state council of defense, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 48, An act prohibiting certain combinations of business by insurance companies, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 256, An act relating to the taking of raccoon, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 274, An act relative to taking brook trout in ponds and lakes in Coos county, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 272, An act providing for the changing of a class 2B highway to a class V highway, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 373, An act relating to the care and custody of female convicts, with the recommendation that the bill be referred to the Committee on State Prison.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on State Prison.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 374, An act to legalize the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Daniels of Manchester, Ward 1, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Ossipee, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 57, Joint resolution making an appropriation for the bird life exhibit at the State House, with the recommendation that the joint resolution be referred to the Committee on State House and State House Yards.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on State House and State House Yards.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 58, Joint resolution providing for a special committee to secure federal aid for the elimination of certain dangerous railroad crossings, with the recommenda-



tion that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. St. Francois of Nashua, for the Special Committee consisting of the delegation from the city of Nashua, to whom was referred House Bill No. 159, An act relating to the city of Nashua, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Velishka of Nashua moved that the bill and its accompanying report be referred to the Committee on Judiciary.

The question being on the motion of Mr. Velishka.

(Discussion ensued)

Mr. Velishka and Mrs. Cooper of Nashua spoke in favor of the motion.

Messrs. Sweeney of Ward 2, St. Francois, Wilcox and Atherton of Nashua spoke against the motion.

Mr. Wiggin of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to refer the bill and report to the Committee on Judiciary.

On a *viva voce* vote the motion did not prevail, and the bill was ordered to a third reading.

Mr. Cormier of Nashua moved that the rules be suspended, the bill be put upon its third reading and final passage, by title, at the present time, but subsequently withdrew his motion.

Mr. St. Francois of Nashua, for the Special Committee consisting of the delegation from the city of

Nashua, to whom was referred House Bill No. 50, An act relating to nomination of officers in the city of Nashua, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words "nevertheless, the officers so to be chosen by the board of aldermen or mayor on the first secular day of January, 1915, shall hold their office for only one year and" and inserting in place thereof the word, or, so that said section as amended shall read as follows:

1. Amend section 42 of chapter 427, Laws of 1913 by striking out the whole of said section and inserting in its place the following: 42. The board of aldermen shall elect by *viva voce* and major vote on roll call a city clerk and overseer of the poor who shall be one and the same person, city treasurer and collector of taxes, who shall be one and the same person, city physician, city solicitor, and board of health. In all other cases offices shall be filled by appointment of the mayor, subject to confirmation by said board, except the city messenger, who shall be chosen and appointed by the mayor, unless otherwise provided for in this charter. All vacancies occurring in such offices shall be filled in the same manner. The time for choosing or appointing all officers to be chosen by the board of aldermen or by the mayor shall be the first day of January and such terms of office shall be for two years, or until their respective successors are chosen and qualified. In all cases where salaries or wages for services are paid from the municipal treasury, the compensation shall be determined by the board of aldermen upon recommendation of the several departments, excepting those employed in connection with the schools.

Amend section 2 by striking out the words "upon

its passage" and inserting in place thereof the words and figures January 1, 1942, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect January 1, 1942.

The report was accepted.

Mr. Velishka of Nashua moved that the bill with the amendment pending, be referred to the Committee on Judiciary.

The question being on the motion of Mr. Velishka.

(Discussion ensued)

Mr. Velishka and Mrs. Cooper of Nashua spoke in favor of the motion.

Messrs. Sweeney, Ward 2, Wilcox, St. Francois and Atherton of Nashua spoke against the motion.

Mr. Tarbox of Marlboro moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to refer the bill with the amendment pending, to the Committee on Judiciary.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Cormier of Nashua moved that the rules be suspended, that the bill be put upon its third reading and final passage, by title, at the present time, but subsequently withdrew his motion.

Mrs. Morris of Lancaster, for the special committee consisting of the delegation from the county of Coos, to whom was referred House Bill No. 97 (in new draft), An act providing for a fiscal agent for the



county of Coos, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the special committee consisting of the delegation from the county of Coos, to whom was referred House Bill No. 97 (in new draft), An act providing for a fiscal agent for the county of Coos, having considered the same, and being unable to agree with the majority, report the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

JOSEPH A. SEYMOUR,  
REBECCA GAGNON,  
HILDA C. F. BRUNGOT,  
ESTHER C. BIXBY,  
RAOUL L. RAMSEY,  
GEORGE M. WEEKS,  
ALPHONSINE M. DUGAS,  
SAMUEL A. WEEKS,  
HENRY M. MOFFETT,  
PETE COLLETTE,  
FRED G. HAYES,

*A Minority of the Committee.*

The report was accepted.

Mr. Weeks of Stewartstown moved that the report of the minority "inexpedient to legislate", be substituted for the report of the majority, "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Weeks of Stewartstown, and Seymour of Carroll and Mrs. Bixby, Mrs. Gagnon and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Taylor of Whitefield, Hutchins of Stratford and Hunter of Hanover and Mrs. Morris of Lancaster and Mrs. Christiansen spoke against the motion.

Mr. Blandin of Bath moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute did not prevail.

Mrs. Bixby of Berlin asked for a division.

A division being had 133 members voted in the affirmative and 204 members voted in the negative and the motion to substitute did not prevail.

Mrs. Bixby demanded the yeas and nays and the roll was called with the following result:

#### YEAS, 125

ROCKINGHAM COUNTY: Lake, Fogg of Deerfield, Morrison, Pridham, Coleman, Labranche, Rousseau of Newmarket, Gray, Yeaton, Foote of Seabrook.

STRAFFORD COUNTY: Jackson, Courchene, Cronin, Shaheen, Hartford, Ackroyd, Leighton, Brennan of Dover, Conrad, Beaudoin, Potvin, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Guay of Laconia, Langlois.

CARROLL COUNTY: Huntress.

MERRIMACK COUNTY: Guilbeault, Comi, Sullivan of Concord, Lemire, Riel, Douphinett, DuDevoir, Lafond, Boisvert, Dupont.

HILLSBOROUGH COUNTY: Bartlett of Goffstown, Morrill, Barry, Bresnahan, Shea of Manchester, Kean, Betley, Dulac, Lacroix, Connolly, Benoit of Manchester, Ward 7, Gaumont, Gorham, Tessier, Turcotte, Benoit of Manchester, Ward 8, Chevrette, Constant, Delisle, Donnelly, Kane of Manchester, Provencher, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester, Ward 13, Lesmerises, Thibodeau of Manchester, Turgeon, Carter of Merrimack, Landry, Trombley,

Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Bigelow.

CHESHIRE COUNTY: Duncan, Callahan, Pickett, Blake, Doucette, Brennan of Westmoreland.

SULLIVAN COUNTY: Daly, Delorier, Gaffney, Marcotte, Barton, Bailey of Newport, Kempton, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Oakes, Gile of Lebanon.

COOS COUNTY: Moffett, Lemieux, Studd, Brungot, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Weeks of Colebrook, Weeks of Stewartstown.

#### NAYS, 229

ROCKINGHAM COUNTY: Tuttle, Stowe, Wyman, Goodrich, Berthiaume, Corson, Grinnell, Fecteau, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Partridge, Hobbs, Johnson of Northwood, Sanborn of Nottingham, Palmer, Barrett, Foote of Portsmouth, Redden, Canty, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Holmes, Tucker, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Lucas, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Hale of Rochester, Studley, Nutter, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nicholas, Lord, Brown of Gilmanton, Tilton of Laconia, Ward 3, Roucher, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Woodman, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Carter of Boscawen,



Morgan, Laird, Sanborn of Chichester, Veroneau, Davis of Concord, Henry, Otis, Potter, Fletcher, Clinton, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Buntin, Matson, Upton, Mayo, Ford, Milburn, Bunker, Maxfield, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Brown of Goffstown, Wakefield, Charois, Gleason, Gay of Hillsborough, Abbott, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Anderson, Carter of Manchester, Gage, Frain, O'Neil, Creighton, Booth, O'Connell, Driscoll, Roukey, Duval, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Goulet, Shedd, Thompson, Bass, Peaslee, Dugan.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Robertson, Aldrich, Batchelder, Frissell, Lombard, Lichman, Sayers, Duffy, Tarbox, Hale of Rindge, Wheeler, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Beland, Decker, Witherill, Brigham, Condon, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Davison, Dean, Haley, Burby, Butler, Guay of Lebanon, Jette, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Merrill of Plymouth, Barney, Robbins of Thornton, Morse, Gilbert, Sawyer.

COOS COUNTY: Hinchey, Mason of Berlin, Smith of Berlin, Evans of Berlin, Lazure, Christiansen, Fuller, Parkhurst, Emerson of Dalton, Chandler,

Fraser, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Hutchins, Taylor.

Mr. Kittredge of Portsmouth voting No, paired with Mr. Collette of Berlin, voting Yes.

Mr. Hayes of Barrington voting No, paired with Mr. Perkins of Pittsfield voting Yes.

Mr. Nadeau of Rochester voting Yes, paired with Mr. Hayes of Rochester voting No.

Mr. Tilton of Laconia, Ward 4, voting No, paired with Mr. Cryan of Haverhill voting, Yes.

Dr. Nash of Concord, voting No, paired with Mr. Maley of Newport voting Yes.

And the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass" did not prevail.

The question being on the report of the committee, ought to pass.

Mrs. Brungot of Berlin offered the following amendment.

Amend said bill by striking out section 7 and inserting in place thereof the following:

7. *Takes Effect: Referendum.* This act shall be effective from April 1, 1941 to April 1, 1943, provided that said fiscal agent may be appointed upon the passage of this act. The secretary of state is hereby directed to insert on the official ballots for the city and towns in Coos county, at the election in November, 1942, the following question: "Do you approve of having the legislature extend the provisions of law relative to a fiscal agent for the county of Coos?" The clerks of said city and towns are hereby directed to forward to the secretary of state within two days after said election the result of the vote on the above question in their respective towns or city. The secretary of state shall canvass the votes as returned to him and shall report to the legislature of 1943 the result of the voting of said question.

The question being on the amendment.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the amendment.

Mrs. Brungot asked for a division.

A division being had 217 members voted in the affirmative and 107 members voted in the negative, the amendment was adopted and the bill ordered to a third reading.

Mr. Hutchins of Stratford moved that the rules be suspended and the bill be put upon its third reading and final passage, by title, at the present time.

Mr. Moffett of Berlin demanded the yeas and nays.

Mr. Hutchins withdrew his motion, and the bill was ordered to a third reading.

### Resolutions

Mrs. Brungot of Berlin offered the following resolution.

*Whereas*, We have learned of the illness of our fellow member, Pete Collette, Representative from Berlin, therefore be it

*Resolved*, That the Clerk be instructed to send flowers to our colleague with our best wishes for a speedy recovery to health.

On a *viva voce* vote the resolution was adopted.

Mr. Lombard of Keene offered the following resolution.

*Whereas*, This House has learned with sorrow of the death of Mrs. Winnie W. Frissell, mother of Sidney S. Frissell, Representative from Keene, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our fellow member in his bereavement, and be it further



*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to our bereaved colleague.

GUY F. LOMBARD,  
FRANCIS P. CALLAHAN,  
EUGENE J. PELLETIER,  
LAWRENCE M. PICKETT,  
HARRY C. LICHMAN,  
EARL BRENNAN,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Simpson of Bartlett offered the following resolution.

*Resolved*, That the use of Representatives Hall at 7:30 Wednesday evening, March 19, be granted for an illustrated talk and movies, on flood damages and soil erosion problems in New Hampshire.

On a *viva voce* vote the resolution was adopted.

Mr. Cormier of Nashua offered the following resolution.

*Resolved*, That the House meet at 10 o'clock on Tuesdays for the remainder of the session and

*Be It Further Resolved*, That the Clerk notify each member by mail to that effect.

The question being on the resolution.

(Discussion ensued)

Mr. Cormier of Nashua spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

### Message from the Senate

A message from the Honorable Senate by its clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 91, An act to regulate the payment of dividends by guaranty savings banks.

House Bill No. 140, An act relating to building and loan associations.

House Bill No. 327, An act relating to the election of officers of the Penacook Union School District.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 185 (in new draft), An act relative to the purchase of milk for resale or manufacture.

Amend section 1 of said bill by striking out the word "first" in the tenth line and inserting in place thereof the word tenth, and by striking out the word "fifteenth" in the twelfth line and inserting in place thereof the word twenty-fifth, so that said section as amended shall read as follows:

1. Amend section 1 of Chapter 164 of the Public Laws, as amended by chapter 4 of the Laws of 1931 (commissioners' report, chapter 191, section 1) by striking out said section and inserting in place thereof the following: 1. *License*. Every person who purchases milk or cream within this State, to be either resold as milk or cream, or manufactured into other dairy products, shall first obtain a license and give security in accordance with sections 4 and 5; provided that no resident person, association or corporation, making such purchases and sales, shall be required to obtain a license as long as payment for such purchases is made on or before the tenth day of each calendar month for milk and cream purchased and delivered during the first half of the previous month and on or before the twenty-fifth day of each calendar month for milk and cream purchased and delivered during the last half of the previous month; and provided further

that the provisions of this section shall not apply to persons making such purchases from less than two producers within this state.

Amend section 6 of said bill by striking out the same and inserting in place thereof the following:

6. *Takes Effect.* This act shall take effect upon curred in the adoption of the amendments sent down from the Honorable Senate.  
its passage.

On motion of Mr. Bunten of Concord the House con-

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 178, An act relative to state and state-aided highways and trunk lines.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act relative to expenditures of state aid for rural post roads and class V highways.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Rural Post Roads and Class V Highways.* Amend section 26c, chapter 84, Public Laws, as inserted by section 9, chapter 17, Laws of 1935 (section 26, chapter 100, commissioners' report) by striking out said section and inserting in place thereof the following: 26-c. *Expenditures.* The sum set apart by a city, town, or unincorporated place under the provisions of section 26-a, together with the amount apportioned by the highway commissioner as provided by section 26, shall constitute a joint fund to be expended for the improvement and maintenance of rural post roads and



class V highways under the supervision of, and on locations approved by, the highway commissioner. Such improvement and maintenance shall be under the direction of a person or persons appointed by the selectmen of a town, or by such board as has jurisdiction over highway expenditures in a city, subject to approval by the highway commissioner. Not more than fifteen hundred dollars shall be expended for each mile of road improved in any one year from funds provided hereunder, except by written permission of the commissioner.

On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 28, An act relative to the terms of office of the board of probation.

#### **Senate Bill Read and Referred**

Senate Bill No. 28, An act relative to the terms of office of the board of probation.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mrs. Dugas of Berlin the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

#### **Afternoon**

#### **Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 48, An act prohibiting certain combinations of business by insurance companies.

House Bill No. 256, An act relating to the taking of racoon.

House Bill No. 272, An act providing for the changing of a class 2B highway to a class V highway.

House Bill No. 274, An act relative to taking brook trout in ponds and lakes in Coos county.

House Bill No. 339, An act providing for a state council of defense.

Severally read a third time and passed and sent to the Senate for concurrence:

House Bill No. 97 (in new draft), An act providing for a fiscal agent for the county of Coos.

Read a third time.

The question being, Shall the bill pass?

Mr. Moffett of Berlin demanded the yeas and nays, but subsequently withdrew his demand.

The bill passed and was sent to the Senate for concurrence.

House Bill No. 50, An act relating to nomination of officers in the city of Nashua.

Mr. Velishka of Nashua moved that the bill be indefinitely postponed.

Mr. Bouthillier of Nashua asked for a division.

A division being had the vote was declared manifestly in the negative and the motion to indefinitely postpone did not prevail.

The bill was then read a third time and passed and sent to the Senate for concurrence.

House Bill No. 159, An act relating to the city of Nashua.

Read a third time.

The question being, Shall the bill pass?

Mr. Velishka of Nashua moved that the bill be indefinitely postponed.

On a *viva voce* vote the motion did not prevail.

Mr. Velishka asked for a division.

A division being had the vote was declared manifestly in the negative and the motion did not prevail.

The bill passed and was sent to the Senate for concurrence.

### Special Order

The special order, House Bill No. 328, An act relating to the parking of pleasure vehicles, not being called for, the bill with the question pending, went into unfinished business.

The question being on the motion to substitute the report of the minority "ought to pass" with amendment" for the report of the majority "inexpedient to legislate."

On motion of Mrs. Bourne of Exeter at 3:55 o'clock the House adjourned.

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WEDNESDAY, MARCH 19, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mrs. Charois of Greenville was granted leave of absence for the week on account of death in the family.

Mr. Clark of Canaan was granted leave of absence for the week on account of illness.

Mr. Maxfield of Franklin was granted leave of absence for the rest of the week on account of important business.

Messrs. Cilley of Exeter and Hamlin of Charlestown were granted leaves of absence for the day on account of important business.



### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 13, An act relative to the Mascoma Savings Bank of Lebanon.

House Bill No. 91, An act to regulate the payment of dividends by guaranty savings banks.

The report was accepted.

Mr. Wyman of Candia for the Committee on Judiciary, to whom was referred House Bill No. 298, An act relating to a dam in disrepair, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Hamilton of Lisbon for the Committee on Judiciary, to whom was referred House Bill No. 173, An act in relation to licensing painters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth for the Committee on Ways and Means, to whom was referred House Bill, No. 149, An act to restrict illegal wagers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 287, An act to regulate outdoor advertising in rural and residential areas in order to preserve the scenic beauty of the State, reported the same in new draft and with

new title with the recommendation that the bill in new draft and new title be recommitted to the Committee on Judiciary.

The report was accepted.

The bill in its new draft and new title, was read a first and second time, laid upon the table to be printed and recommitted to the Committee on Judiciary.

Messrs. Redden of Portsmouth and Fogg of Deerfield for the Joint Committee on Coastwise Improvements and Public Improvements, to whom was referred House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Messrs. Fogg of Deerfield and Redden of Portsmouth for the Joint Committee on Coastwise Improvements and Public Improvements, to whom was referred House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Marshall of Northumberland for the Committee on Agriculture, to whom was referred House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and convention building, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Holden of Hanover for the Committee on Judiciary, to whom was referred House Bill No. 317, An act to provide for the publication and distribution of the revised laws of the state of New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 378, An act to establish a system of personnel administration in the public service of the state of New Hampshire, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Wiggin of Manchester for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 377, An act relative to the sale of alcoholic beverages, with the recommendation that the bill be referred to the Committee on Liquor Laws.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 378, An act to exempt co-operative marketing associations from regulation as carriers for hire, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.



Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 379, An act making provisions for the state to co-operate and participate in the administration of the so-called stamp plan and school lunch program of the federal government, with the recommendation that the bill be referred to the Committee on Agriculture.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Agriculture.

#### Taken from the Table

On motion of Mr. Bass of Peterborough, House Bill No. 143 (in new draft), An act to prevent public officials from buying property from themselves for the city, county or state, was taken from the table.

The question being on the motion to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Bass of Peterborough, Upton of Concord and Woodbury of Manchester spoke in favor of the motion.

Mr. Sturtevant of Concord spoke against the motion.

On a *viva voce* vote the motion to substitute prevailed.

Mr. Bass of Peterborough offered the following amendment.

Amend section 1 by striking out in the sixth line the words "in any one year" and by inserting in the seventh line after the figures "\$25" the words, at any one sale, so that said section as amended shall read as follows:

1. *Public Officials Barred from Certain Private Dealings.* No person holding a public office, excepting only members of the general court, for which remuneration in the form of wages, salary or per diem, is paid, in city, county or state governmental service shall, by contract or otherwise, except by open competitive bidding, sell goods, commodities, or other personal property of a value in excess of \$25 at any one sale to the city, county or state by which said official is paid.

The question being on the amendment.

(Discussion ensued)

Mr. Bass of Peterborough spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Bass of Peterborough offered the following amendment:

Amend section 1 by inserting after the word "Court" in the third line the words, as such, so that said section as amended shall read as follows:

1. *Public Officials Barred from Certain Private Dealings.* No person holding a public office, excepting only members of the general court, as such, for which remuneration in the form of wages, salary or per diem, is paid, in city, county or state governmental service shall, by contract or otherwise, except by open competitive bidding, sell goods, commodities, or other personal property of a value in excess of \$25 at any one sale to the city, county or state by which said official is paid.

The question being on the amendment.

(Discussion ensued)

Mr. Osborne of Concord spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mrs. Dondero of Portsmouth offered the following amendment:

Amend section 1 by inserting after the word "sell" in the fifth line the words, or buy, and by inserting after the word "to" in the seventh line the words, or from, so that said section as amended shall read as follows:

1. *Public Officials Barred from Certain Private Dealings.* No person holding a public office, excepting only members of the general court, as such, for which remuneration in the form of wages, salary or per diem, is paid, in city, county or state governmental service shall, by contract or otherwise, except by open competitive bidding, sell or buy goods, commodities, or other personal property of a value in excess of \$25 at any one sale to or from the city, county or state by which said official is paid.

On a *viva voce* vote the amendment was adopted.

Mr. Palmer of Plaistow moved that the bill be re-committed to the Committee on Revision of the Statutes.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Palmer of Plaistow spoke in favor of the motion.

Mr. Bass of Peterborough spoke against the motion.

Mr. Chase of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Chase of Manchester spoke in favor of the motion.

Mr. Upton of Concord spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.



The question being on the motion to recommit.  
On a *viva voce* vote the motion did not prevail.  
The bill was ordered to a third reading.

### Unfinished Business

Mr. Carter of Manchester called for the unfinished business.

House Bill No. 328, An act relating to the parking of pleasure vehicles.

The question being on the motion to substitute the report of the minority "ought to pass with amendment" for the report of the majority "inexpedient to legislate."

(Discussion ensued)

Messrs. Carter of Manchester and Wiggin of Conway spoke in favor of the motion.

Messrs. Betley of Manchester and Wyman of Candia spoke against the motion.

Mr. Osborne of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute the report of the minority "ought to pass with amendment" for the report of the majority "inexpedient to legislate."

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Resolution

Mrs. Dugas of Berlin offered the following resolution:

*Whereas*, This House has learned with sorrow of the death of Mrs. Olive E. Bourgeois, sister of Bernadette E. Charois, Representative from Greenville, therefore be it

*Resolved*, That the Speaker appoint a committee of seven to draw up suitable resolutions.

The resolution was unanimously adopted.

The Speaker appointed as members on such committee, Mrs. Dugas and Mrs. Bixby of Berlin, Mrs. Robertson of Hinsdale and Mrs. Caron of Manchester and Messrs. Tarbox of Marlboro, Thompson of New Ipswich and Seymour of Carroll.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 140, An act relating to building and loan associations.

Amend said bill by striking out the section which was inserted after section 3 of said bill and renumbering so that said section as amended shall read as follows:

2. *Borrowers as Members.* Amend section 7 of said chapter 266 (section 7, chapter 305, commissioners report) by adding at the end thereof the words: A borrower who is not a shareholder shall be a member and shall be entitled to vote in the same manner as a shareholder, so that said section as amended shall read as follows: 1. *Voting.* Each shareholder shall be entitled to give one vote upon any proposition brought before a meeting of shareholders, and no more; and no shareholder shall vote by proxy. A borrower who is

not a shareholder shall be a member and shall be entitled to vote in the same manner as a shareholder.

Amend section 3 of said bill by inserting after the words "as amended by" in the second line the words, section 2, chapter 82, Laws of 1935, section 5, chapter 106, Laws of 1937, and.

On motion of Mr. Woodbury of Manchester the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Pursuant to the resolution offered by Mr. O'Shan of Laconia, adopted on March 5th, the Speaker appointed as members on such committee, Messrs. Wyman of Candia, Matson of Concord, Lievens of Hollis, Blandin of Bath and Hutchins of Stratford.

On motion of Mr. Blandin of Bath business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Blandin of Bath, the rules were suspended, and the third reading of a bill, by its title, was made in order.

House Bill No. 143, (in new draft), An act to prevent public officials from buying property from themselves for the city, county or state.

Read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Downing of Littleton at 12:40 o'clock the House adjourned.

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THURSDAY, MARCH 20, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.



### Leaves of Absence

Messrs. Sturtevant of Concord, Graham of Antrim and Davis of Nashua were granted leaves of absence for the day on account of important business.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it be to meet Saturday morning at 10.00 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 11.00 o'clock.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 140, An act relating to building and loan associations.

House Bill No. 178, An act relative to expenditures of state aid for rural post roads and class V highways.

The report was accepted.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 366, An act defining and relating to narcotic drugs and to make uniform the law with reference thereto, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 216, An act limiting the rate of interest chargeable by finance companies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 234, An act relating to transfer of licenses for fur-buyers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 117, An act relating to the taking of rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Joint Resolution No. 18, Joint resolution relating to a swimming pool in the town of Seabrook, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 35, Joint resolution relative to a bridge on the road from Bradford to Henniker, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 122, An act relating to the Black Water River bridge

in the town of Seabrook, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Pennell of Exeter, for the Committee on Appropriations, to whom was referred Senate Bill No. 11, An act relating to departmental expenditures, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Condon of Newport, for the Committee on Appropriations, to whom was referred House Bill No. 316, An act relating to boxing and wrestling, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 15, An act relative to taking lobsters and crabs, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 359, An act naming Deering lake in the town of Deering, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Morris of Lancaster, for the Committee on Judiciary, to whom was referred House Bill No. 361, An act authorizing the town of Deerfield to issue re-



funding notes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Dondero of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 251, An act relating to the state board of accountancy, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 364, An act to make uniform the law with reference to disposition of property where there is no sufficient evidence that persons died otherwise than simultaneously, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 201, An act to change the name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No.

357, An act relating to special meetings of county conventions, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 2, Joint resolution making an appropriation for the dredging of the entrance to the channel to Big Squam lake in the town of Holderness, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought pass.

Amend said resolution by striking out the words and figures "Seven hundred and fifty dollars (\$750)" and inserting in place thereof the words and figures, five hundred dollars (\$500), so that said resolution shall read as follows:

That the sum of five hundred dollars (\$500) be and hereby is appropriated for the year 1941 for the purpose of dredging the entrance to the channel to Big Squam lake in the town of Holderness. The sum hereby appropriated shall be expended under the direction of the highway department and the Governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Blandin of Bath, for the Committee on Judiciary, to whom was referred House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by adding after section 1 a new section which shall read as follows:

2. *Payment in Lieu of Taxes.* Amend section 10, chapter 60 of the Public Laws (Section 11, chapter 73, Commissioners' Report) by adding after the words "Water Works" in the title thereof a semicolon and the words, Flood Control. Further amend said section 10 by adding after the word "supply" in the second line thereof the words, or flood control, so that said section as amended shall read as follows: 10. *Water Works; Flood Control.* Property held by a city, town or district in another city or town for the purpose of a water supply or flood control, if yielding no rent, shall not be liable to taxation therein, but the city, town or district so holding it shall annually pay to the city or town in which such property lies an amount equal to that which such place would receive for taxes upon the average of the assessed value of such land, without buildings or other structures, for the three years last preceding legal process to acquire the same, or other acquisition thereof, the valuation for each year being reduced by all abatements thereon; but any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation.

Further amend said bill by making section 2, section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth for the Committee on Ways and Means, to whom was referred House Bill No. 242, An act relating to the taxation of personal property, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the same and inserting in place thereof the following:



1. *Taxation of Personal Property.* Amend section 5 of chapter 61 of the Public Laws (section 5, chapter 74, commissioners report) by striking out the words "September first" in the fourth line and inserting in place thereof the words, December thirty-first, so that said section as amended shall read as follows: 5. *Removal.* Any person going into any town in this state, and taking with him any property upon which a tax has not been assessed and paid elsewhere for that year, and doing business therein with such property after April first and before December thirty-first of any year, shall be taxed on such property in such town as in the cases of persons who have escaped taxation.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Bilodeau of Nashua for the Committee on Insurance, to whom was referred House Bill No. 182, An act relating to accident and health insurance policies, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the committee.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Insurance.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 356, An act authorizing the Milan School District in the town of Milan to issue notes or bonds and legalizing a meeting of the Milan School District, reported the same with the recommendation that the bill ought to pass, in new draft and with new title.

The report was accepted.

Mr. Duncan of Jaffrey moved that the rules be suspended and the printing of the bill in its new draft and title, be dispensed with.

The question being on the motion of Mr. Duncan.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the motion.

On a *viva voce* vote the motion was adopted and the bill ordered to a third reading.

On motion of Mr. Duncan of Jaffrey the rules were suspended to allow for the presentation of two committee reports which had not previously been advertised in the Journal.

Mr. Prescott of Newton for the Joint Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 342, An act relating to explosives, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph 1, section 1 by striking out the whole thereof and inserting in place thereof the following: 1. "Explosives" means gun powders, powders used for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder and any chemical compound or any chemical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion but shall not include petroleum products, turpentine, acetone, ethyl, ether and benzol. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

Further amend said bill by striking out section 6 and inserting in place thereof the following: 6. *Records.* Manufacturers and dealers shall keep a record of all explosives shipped, purchased or sold by them, which records shall include the name and address of each consignee, vendor or vendee, the date of each shipment, sale or purchase and the amount and kind of explosives shipped, sold or purchased. Such record shall be open for inspection by duly authorized agents of the licensing authority and by all federal, state and local law enforcement officers at all times.

Further amend said bill by adding at the end of paragraph III, section 8 the words "provided however that no fee shall be required of possessors holding explosives for agricultural use," so that said paragraph shall read as follows:

III. Each application for a license hereunder shall be accompanied by the fee hereinafter prescribed which fee shall be returned in the event such application is denied. The license fees shall be as follows: Manufacturer's license, \$10; Dealer's license, \$5; Possessor's license, \$1, provided, however, that no fee shall be required of possessors holding explosives for agricultural use.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Hutchins of Stratford for the joint Committee on Judiciary and Liquor Laws, to whom was referred House Bill No. 318, An act establishing the State Liquor Control Commission, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the whole thereof and inserting in place thereof the following: An act relating to the state liquor commission. Further amend said bill by striking out the whole thereof



and inserting in place thereof the following: 1. *State Liquor Commission.* Amend section 3, chapter 3, Laws of 1934 special session (section 3, chapter 167, Commissioner' Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Secretary; Compensation.* The Governor with the advice and consent of the council shall designate one member of the commission as chairman and another member as secretary and the members so designated shall serve in such capacity until the expiration of their terms of office or until vacancies occur therein. The chairman shall receive an annual salary of five thousand dollars (\$5,000), and shall be the executive and administrative officer of the commission. Each of the other members shall receive an annual salary of four thousand dollars (\$4,000) and all members shall devote such time to the service of the commission as may be necessary for the proper performance of their duties.

2. *Salaries Changed.* Within twenty days after passage of this act the governor with the advice and consent of the council shall designate one member of the state liquor commission as chairman and another member as secretary to serve as such until the expiration of their terms of office or until vacancies occur therein. When such designations have been made by the governor and council, the present salaries of the commissioners shall cease, and they shall thereafter receive the salaries prescribed in section 1 of the act. The designation of chairman made under the provisions of section 3, chapter 3, Laws of Special Session of 1934, is abolished, effective 20 days after the passage of this act.

3. *Limitation.* Nothing in this act shall be construed to remove any member of the present state

liquor commission from office as a member of the commission prior to the expiration of his term of office.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Tilton of Ward 4, Laconia, moved that the rules be suspended, and the printing of the amendment, in accordance with rule 48, be dispensed with.

The question being on the motion of Mr. Tilton.

(Discussion ensued)

Mr. Tilton of Ward 4, Laconia, spoke in favor of the motion.

Messrs. Wiggin of Manchester, Duncan of Jaffrey, Osborne of Concord and Hayes of Dover, spoke against the motion.

Mr. Pennell of Exeter called to the attention of the members rule 50.

On a *viva voce* vote the motion did not prevail.

The bill with the amendment pending was laid upon the table to be printed.

Mr. St. Francois of Nashua for the Committee on Labor, to whom was referred House Bill No. 248, An act relating to minimum wage and maximum hour standards, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

#### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 30, (in new draft), An act relating to trust funds.

House Bill No. 179, An act relative to the protection of state and other highways.

House Bill No. 181, An act relative to encroachments on highways.

House Bill No. 210, An act relative to the disqualification of special justices of Municipal Courts.

House Joint Resolution No. 56, Joint resolution in favor of the estate of George Y. Emerson.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 54, An act relating to investments of savings banks.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

Amend sub-section XVII of section 12 of Chapter 262 of the Public Laws (Revised Laws, chapter 301, section 12, XVI) by adding after the words "New York" in line 3 the following: The stock of any national bank or trust company in the United States, being a member of the Federal Reserve System located in a city having a population of 500,000 or more, whose capital stock, surplus and undivided profits total at least \$15,000,000 and whose surplus and undivided profits are at least equal to 50% of its Capital Stock, and which has paid dividends in cash in the last four of its fiscal years on its capital stock at the rate of at least 4% on the par or stated value of the shares, so that said section as amended shall read as follows: XVIII. *Other Banks, etc.* The stock of any national bank or trust company located in the New England states outside of New Hampshire, or in the state of New York; the stock of any national bank or trust



company in the United States, being a member of the Federal Reserve System located in a city having a population of 500,000 or more, whose capital stock, surplus and undivided profits shall total at least \$15,000,000 and whose surplus and undivided profits are at least equal to 50% of its Capital Stock, and which has paid dividends in cash in each of the last four of its fiscal years on its capital stock at the rate of at least 4% on the par or stated value of the shares; but not exceeding ten percent of the deposits of a savings bank shall be invested in such stock. The amount of such stock which may be held by any savings banks as an investment and as collateral security for loans shall not exceed ten percent of the total capital stock of such national bank or trust company.

On motion of Mr. Potter of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 25, An act making Lincoln's birthday a legal holiday.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 25, An act relating to trust companies.

Senate Bill No. 27, An act relative to investments of savings banks in fire insurance stock.

#### **Senate Bills Read and Referred**

Senate Bill No. 25, An act relating to trust companies.

Senate Bill No. 27, An act relative to investments of savings banks in fire insurance companies.

Severally read a first and second time and referred to the Committee on Banks.

### Resolutions

Mr. Seymour of Carroll offered the following resolution:

*Whereas* we have in our midst a very portly gentleman, by the name of Samuel A. Weeks, the honorable representative from the town of Colebrook, and

*Whereas* Sam is the largest member of the House, and his good nature, friendliness and general all round good fellowship is in proportion to his size, therefore be it

*Resolved*, That we, his colleagues, extend to him all the good wishes possible for a very happy birthday, and be it further

*Resolved*, That the magnitude of these good wishes be the greatest possible to the person of the greatest size in our Legislature.

On a *viva voce* vote the resolution was adopted.

Mr. Young of Wakefield offered the following resolution:

*Whereas*, some of the sessions of the House are of long duration, long past the usual lunch hour and sometimes the doors are locked so that the members are not permitted to leave the hall, therefore be it

*Resolved*, That a vending machine be installed in the rear of Representatives' Hall so that the members may purchase chocolate bars and other confections.

On a *viva voce* vote the resolution was not adopted.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended, the third reading of bills by titles and joint resolution by its caption were made in order.

House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons.

House Bill No. 201, An act to change the name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester.

House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes.

House Bill No. 242, An act relating to the taxation of personal property.

House Bill No. 251, An act relating to the state board of accountancy.

House Bill No. 316, An act relating to boxing and wrestling.

House Bill No. 356 (in new draft and with new title), An act authorizing the Milan School District in the town of Milan to issue notes or bonds and legalizing a meeting of the Milan School District.

House Bill No. 357, An act relating to special meetings of county conventions.

House Bill No. 359, An act naming Deering lake in the town of Deering.

House Bill No. 361, An act authorizing the town of Deerfield to issue refunding notes or bonds.

House Bill No. 364, An act to make uniform the law with reference to disposition of property where there is no sufficient evidence that persons died otherwise than simultaneously.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 11, An act relating to departmental expenditures.

Senate Bill No. 15, An act relative to taking lobsters and crabs.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

Senate Joint Resolution No. 2, Joint resolution making an appropriation for the dredging of the entrance



to the channel to Big Squam lake in the town of Holderness.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

### Correction

Mr. Upton of Concord was recorded as having spoken against the motion to substitute "ought to pass" for "inexpedient to legislate" on House Bill No. 143 (in new draft), An act to prevent public officials from buying property from themselves for the city, county or state, on March 19. Mr. Upton spoke in favor of the motion.

On motion of Mrs. Dugas of Berlin at 12:17 o'clock the House adjourned.

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SATURDAY, MARCH 22, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 22, 1941.

Mr. Arthur Bilodeau,  
Nashua, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present at, 10:01 o'clock the House adjourned.

TUESDAY, MARCH 25, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Rollins of Alexandria and Thompson of New Ipswich were granted leaves of absence for the week on account of illness.

Messrs. Grindle of Conway and Batchelor of Keene were granted leaves of absence for the day on account of illness.

Mr. Thibodeau of Wolfeboro was granted leave of absence for the week on account of important business.

Mrs. Bourn of Exeter was granted leave of absence for the week on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 15, An act relative to taking lobster and crabs.

House Bill No. 145, An act relative to hunting on Sunday.

House Bill No. 210, An act relative to the disqualification of special justices of municipal courts.

House Bill No. 282, An act prohibiting the jacking of wild birds and wild animals.

House Joint Resolution No. 56, Joint resolution in favor of the estate of George Y. Emerson.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 11, An act relating to departmental expenditures, re-

ported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the word "Session" in the second line, and by inserting after the figure "1927" in the third line the words and figures, (section 17, chapter 27, commissioners' report).

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 54, An act relating to investments of savings banks, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first nine lines and inserting in place thereof the following:

1. *Legal Investments for Savings Banks.* Amend paragraph XVII of section 12 of chapter 262 of the Public Laws (paragraph XVI, section 12, chapter 301, commissioners' report) by adding after the words "New York" in the third line the following: The stock of any national bank or trust company in the United States, being a member of the federal reserve system, located in a city having a population of five hundred thousand or more, whose capital stock, surplus and undivided profits shall total at least fifteen million dollars and whose surplus and undivided profits are at least equal to fifty per cent of its capital stock, and which has paid dividends in cash in each of the last four of its fiscal years on its capital stock.



On motion of Mr. Potter of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 185, An act relative to the purchase of milk for resale or manufacture, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the paragraph numbered 11 and inserting in place thereof the following:

11. *Commissioner to be Trustee.* All bonds, mortgages or other securities required and furnished under the provisions hereof shall be given to the commissioner as trustee of the person furnishing the same, for each and all of the patrons in this state and shall be conditioned for the faithful performance of such person of all the acts prescribed for, and all the conditions imposed upon, such person by this act.

On motion of Mr. Bunten of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Joint

Resolution No. 27, Joint resolution in favor of Oliver Hadley, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 7, An act relating to intra-state fresh pursuit of criminals, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Small of Ossipee, for the Committee on Appropriations, to whom was referred House Bill No. 139, An act relating to the New Hampshire building at the Eastern States Exposition, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred House Bill No. 100, An act empowering the school district of Sandown to exceed its statutory limit of bonded indebtedness, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred House Bill No. 267, An act relating to the sale and use of fireworks, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims,

to whom was referred House Joint Resolution No. 37, Joint resolution in favor of John B. Eames, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 40, Joint resolution in favor of J. Earle Davis, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 41, Joint resolution in favor of Lewis W. Fluer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 80, An act relating to the operation of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 154, An act relating to the admissibility of evidence, reported the same, in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Judiciary.

Read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.



Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 257, An act providing for the registration of architects, reported the same, in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Judiciary.

Read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 380, An act relating to a public park and recreational area on Long Island in the town of Moultonborough, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 381, An act relative to the appropriation of money by the town of Bristol for transportation to the railroad at Franklin, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Transportation.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 382, An act permitting towns to become members of the New Hampshire Municipal Association, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 383, An act placing the enforcement of the laws relative to fire escapes within the jurisdiction of the insurance commissioner, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Insurance.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 384, An act to dissolve the People's Savings Bank of Manchester, and to repeal its charter, with the recommendation that the bill be referred to the Committee on Banks.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Banks.

Mrs. Dondero of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 285, An act relative to sessions for registrars of voters in the city of Portsmouth, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Portsmouth Registrars of Voters.* Amend section 5 of chapter 241 of the Laws of 1909, as amended by chapter 315, Laws of 1933, by striking out the words "from eight o'clock until twelve o'clock noon" in the fourteenth and fifteenth lines and inserting in place thereof the words, during all the time the polls

are open, so that said section as amended shall read as follows: Sect. 5. Said board of registrars shall be in session at the city hall, or such other place as they may designate, for the purpose of revising and correcting the list of voters, during six days at least before the biennial state election and three days before other elections, within one month next preceding the day of election, the last two sessions to be held within two weeks of said election. Said sessions shall continue from nine o'clock to twelve o'clock noon, from two o'clock to five o'clock in the afternoon and from half past seven to half past nine in the evening on each of said days; the times and places of said meetings to be advertised in at least two newspapers published in Portsmouth for at least three days prior to the first meeting. Said board shall be in session on election days during all the time the polls are open, so that in case the name of any person has been omitted from the checklist whom the registrars are satisfied is a legal voter the registrars shall certify the same to the moderator who shall receive his vote and the ward clerk shall check the name of the person so voting on the back of the certificate and shall return the same to the city clerk with the checklist.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Prescott of Newton, for the Committee on Judiciary and Military Affairs, to whom was referred House Bill No. 342, An act relating to explosives, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend paragraph 1, section 1 by striking out the whole thereof and inserting in place thereof the following: 1. "Explosives" means gun powders, powders used for blasting, high explosives, blasting



materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder and any chemical compound or any chemical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion but shall not include petroleum products, turpentine, acetone, ethyl, ether and benzol. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

Further amend said bill by striking out section 6 and inserting in place thereof the following: 6. *Records.* Manufacturers and dealers shall keep a record of all explosives shipped, purchased or sold by them, which records shall include the name and address of each consignee, vendor or vendee, the date of each shipment, sale or purchase and the amount and kind of explosives shipped, sold or purchased. Such record shall be open for inspection by duly authorized agents of the licensing authority and by all federal, state and local law enforcement officers at all times.

Further amend said bill by adding at the end of paragraph III, section 8 the words "provided however that no fee shall be required of possessors holding explosives for agricultural use," so that said paragraph shall read as follows:

III. Each application for a license hereunder shall be accompanied by the fee hereinafter prescribed which fee shall be returned in the event such application is denied. The license fees shall be as follows:

Manufacturer's license, \$10; Dealer's license, \$5; Possessor's license, \$1, provided, however, that no fee shall be required of possessors holding explosives for agricultural use.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Hutchins of Stratford for the Committee on Judiciary and Liquor Laws, to whom was referred House Bill No. 318, An act establishing the State Liquor Control Commission, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the whole thereof and inserting in place thereof the following: An act relating to the state liquor commission. Further amend said bill by striking out the whole thereof and inserting in place thereof the following: 1. *State Liquor Commission.* Amend section 3, chapter 3, Laws of 1934 special session (section 3, chapter 167, Commissioner's Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Secretary; Compensation.* The Governor with the advice and consent of the council shall designate one member of the commission as chairman and another member as secretary and the members so designated shall serve in such capacity until the expiration of their terms of office or until vacancies occur therein. The chairman shall receive an annual salary of five thousand dollars (\$5,000), and shall be the executive and administrative officer of the commission. Each of the other members shall receive an annual salary of four thousand dollars (\$4,000) and all members shall devote such time to the service of the commission as may be necessary for the proper performance of their duties.

2. *Salaries Changed.* Within twenty days after

passage of this act the governor with the advice and consent of the council shall designate one member of the state liquor commission as chairman and another member as secretary to serve as such until the expiration of their terms of office or until vacancies occur therein. When such designations have been made by the governor and council, the present salaries of the commissioners shall cease, and they shall thereafter receive the salaries prescribed in section 1 of the act. The designation of chairman made under the provisions of section 3, chapter 3, Laws of Special Session of 1934, is abolished, effective 20 days after the passage of this act.

3. *Limitation.* Nothing in this act shall be construed to remove any member of the present state liquor commission from office as a member of the commission prior to the expiration of his term of office.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted and the amendment adopted.

Mr. Duncan of Jaffrey offered the following amendment:

1. *State Liquor Commission.* Amend section 3 of chapter 3 of the Laws of the Special Session of 1934 (section 3 of chapter 167 of the Commissioners' Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Secretary; Compensation.* The governor with the advice and consent of the council shall designate one member of the commission as chairman and another member as secretary; the members so designated shall serve in such capacities until the expiration of their terms of office or until vacancies occur therein. The chairman shall receive an annual salary of five thousand



dollars and shall devote full time to the service of the commission. He shall be the executive and administrative officer of the commission. Each of the other members shall receive an annual salary of three thousand dollars, and shall devote such time to the service of the commission as may be necessary for the proper performance of their duties. No member of the commission shall be directly or indirectly interested in the liquor or beverage business. The members of the commission shall receive their actual and necessary expenses while traveling on the business of the commission, provided that they shall not be allowed as expenses travel between their places of residence and their office in Concord, nor shall they be allowed board and lodging while in Concord. The compensation and expenses of the commissioners and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

2. *Salaries Changed.* Within twenty-days after the effective date of this act the governor with the advice and consent of the council shall designate one member of the state liquor commission as chairman and another member as secretary to serve as such until the expiration of their terms of office or until vacancies occur therein. When such designations have been made by the governor and council, the present salaries of the commissioners shall cease, and they shall thereafter receive the salaries prescribed in section 1 of this act. The designation of chairman made under the provisions of section 3, chapter 3, Laws of Special Session of 1934, is abolished, effective July 1, 1942.

3. *Limitation.* Nothing in this act shall be construed to remove any member of the present state

liquor commission from office as a member of the commission prior to the expiration of his term of office.

4. *Takes Effect.* This act shall take effect July 1, 1942.

The question being on the amendment.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Wiggin of Manchester spoke in favor of the amendment.

Messrs. Sweeney of Ward 2, Nashua, Tilton of Ward 4, Laconia, Betley of Manchester and Studd of Berlin spoke against the amendment.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the amendment offered by Mr. Duncan.

On a *viva voce* vote the amendment was not adopted.

Mr. Duncan of Jaffrey asked for a division.

A division being had 148 members voted in the affirmative and 183 members voted in the negative, the amendment was not adopted.

Mr. Upton of Concord offered the following amendment:

Amend section 1 by adding at the end thereof the following: No member of the commission shall be directly or indirectly interested in the liquor or beverage business. The compensation and expenses of the commissioners and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council, so that said section as amended shall read as follows:

1. *State Liquor Commission.* Amend section 3, chapter 3, Laws of 1934 special session (section 3, chapter 167, Commissioner's Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Secretary, Compensation.* The Governor with the advice and consent of the council shall designate one member of the commission as chairman and another member as secretary and the members so designated shall serve in such capacity until the expiration of their terms of office or until vacancies occur therein. The chairman shall receive an annual salary of five thousand dollars (\$5,000), and shall be the executive and administrative officer of the commission. Each of the other members shall receive an annual salary of four thousand dollars (\$4,000) and all members shall devote such time to the service of the commission as may be necessary for the proper performance of their duties.

No member of the commission shall be directly or indirectly interested in the liquor or beverage business. The compensation and expenses of the commissioners and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

The question being on the amendment offered by Mr. Upton.

(Discussion ensued)

Mr. Upton of Concord spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Hayes of Rochester offered the following amendment:

Amend section 1 by adding after the word "commission" in the thirteenth line of the printed amendment, the words, except that the employment and dismissal of all personnel shall be at the discretion of the entire



commission, so that said section as amended shall read as follows: 1. *State Liquor Commission*. Amend section 3, chapter 3, Laws of 1934 special session (section 3, chapter 167, Commissioners' Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Secretary; Compensation*. The Governor with the advice and consent of the council shall designate one member of the commission as chairman and another member as secretary and the members so designated shall serve in such capacity until the expiration of their terms of office or until vacancies occur therein. The chairman shall receive an annual salary of five thousand dollars (\$5,000), and shall be the executive and administrative officer of the commission except that the employment and dismissal of all personnel shall be at the discretion of the entire commission. Each of the other members shall receive an annual salary of four thousand dollars (\$4,000) and all members shall devote such time to the service of the commission as may be necessary for the proper performance of their duties. No member of the commission shall be directly or indirectly interested in the liquor or beverage business. The compensation and expenses of the commissioners and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

Messrs Hayes of Rochester and Sweeney of Ward 4, Nashua spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Prince of Manchester offered the following amendment:

Amend the first sentence of said section 3 by striking out the words "and another" and inserting in place thereof the words, one member as vice-chairman and law enforcement officer and one" so that said sentence as amended shall read as follows: 3. *Chairman,*

*Secretary; Compensation.* The Governor with the advice and consent of the council shall designate one member of the commission as chairman, one member as vice-chairman and law enforcement officer and one member as secretary and the members so designated shall serve in such capacity until the expiration of their terms of office or until vacancies occur therein.

The question being on the amendment.

(Discussion ensued)

Mr. Prince of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was referred to the Committee on Appropriations under the rules.

Mr. Emerson of Dalton, for the Committee on Mileage, to whom was referred the following resolution:

*Resolved*, That no member be allowed mileage for a week unless he shall sign the mileage roster, at the Sergeant-at-Arms' room, on Tuesday and Thursday of each week, provided the House is then in session.

Reported that the resolution ought to pass.

The report was accepted.

The question being on the resolution.

(Discussion ensued)

Mr. Bass of Peterborough spoke in favor of the resolution.

Mr. Bass offered the following amendment.

Amend the resolution by adding the following:

"And provided further that any member who is granted leave of absence by the Speaker, during any one week, and who has also signed the roster once during said week, shall be allowed mileage for that week."

The question being on the amendment offered by Mr. Bass.

On a *viva voce* vote the amendment was not adopted.

The question being on the resolution of the committee that the resolution ought to pass.

On a *viva voce* vote the resolution was not adopted.

Mr. Rivers of Laconia demanded the yeas and nays, and the roll was called with the following result:

YEAS, 206

ROCKINGHAM COUNTY: Tuttle, Goodrich, Currier, Fogg of Deerfield, Corson, Morrison, Pennell, Spollett, Evans of Kensington, Keay, Nesmith, Pridham, Patridge, Coleman, Labranche, Rousseau of Newmarket, Prescott, Hobbs, Johnson of Northwood, Palmer, Foote of Portsmouth, Holmes, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Keenan, Hartford, Kennard, Ackroyd, Lucas, Smart of Durham, Webster, Bartlett of Lee, Longley, Conrad, Hale of Rochester, Studley, Hayes of Rochester, Ward 6, Habel, Berry.

BELKNAP COUNTY: Rollins of Alton, Philbrick of Belmont, Lord, Langlois, Tilton of Laconia, Ward 3, Rivers, Ewing, Hopkins, Neal, Pynn, Rogers.

CARROLL COUNTY: Simpson, Hill, Huntress, Nickerson, Banfield, Smart of Ossipee, Vittum, Hayes of Tuftonboro, Young.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Morgan, Moore of Bradford, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Otis, Potter, Fletcher, Nash, Clinton, Sturtevant, Tilton of Concord, Brunel, Bunten, Matson, Upton, Mayo, Comi, Milburn, Bunker, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Swift, Carr, Perkins, Connor, Cloues, Mock, Stuart.



HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Charois, Gleason, Boynton, Gay of Hillsborough, Lievens, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Anderson, Gage, Woodbury of Manchester, Dulac, Gorham, Aubin, Prince, Duval, Carter of Merimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Trombley, Shedd, Bigelow, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Hanson, Robertson, Duncan, Aldrich, Callahan, Frissell, Lombard, Mason of Keene, Duffy, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Condon, Maley, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Brown of Ashland, Noyes, Coolidge, Pulsifer, Hodge, Valia, Gile of Hanover, Holden, Hunter, Davison, Dean, Oakes, Butler, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Barney, Robbins of Thornton, Gilbert.

COOS COUNTY: Mason of Berlin, Smith of Berlin, Lazure, Lemieux, Brungot, Christiansen, Bixby, Dugas, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Chandler, Fraser, Kimball, Cryan of Lancaster, Fogg of Milan, Baldwin, Hutchins, Taylor.

#### NAYS, 169

ROCKINGHAM COUNTY: Stowe, Wyman, Berthiaume, Fecteau, Cilley, Goodale, Robbins of Fremont, Merrill of Hampton, Sanborn of Nottingham, Barrett, Dondero, Gray, Redden, Yeaton, Canty, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Tucker, Barron, Foote of Seabrook.

STRAFFORD COUNTY: Courchene, Cronin, Leighton, Brennan of Dover, Blanchard, Smith of New Durham, Nadeau of Rochester, Beaudoin, Potvin, Fernald, Nutter, Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Cotton, Nichols, Brown of Gilmanton, O'Shan, Guay of Laconia, Roucher, Tilton of Laconia, Ward 4, Merrill of Laconia, Smith of New Hampton, Woodman.

CARROLL COUNTY: Wiggin of Conway.

MERRIMACK COUNTY: Guilbeault, Laird, Henry, Sullivan of Concord, Ford, Lemire, Riel, Douphinett, DuDevoir, Lafond, Boisvert, Dupont.

HILLSBOROUGH COUNTY: Carter of Manchester, Barry, Bresnahan, Dowd, Shea of Manchester, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Healy, Lacroix, Mahoney, O'Brien, Booth, Clancy, Fox, O'Connell, Slowey, Benoit of Manchester, Ward 7, Gaumont, Jean, Tessier, Turcotte, Benoit of Manchester, Ward 8, Chevrete, Constant, Delisle, Donnelly, Kane of Manchester, Provencher, Roy, Adams of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Durette, Huard, Rosseau, Daniel of Manchester, Ward 13, Lesmerises, Turgeon, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Senechal, Dugan.

CHESHIRE COUNTY: Moore, Thomas, Clark of Harrisville, Pelletier, Lichman, Sayers, Pickett, Doucette, Pierce, Brennan of Westmoreland.

SULLIVAN COUNTY: Beland, Daly, Decker, Delorier, Gaffney, Marcotte, Mercier, Brigham, Barton, Bailey of Newport, Kempton, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Blandin, Sanborn of Enfield,

Cryan of Haverhill, Haley, Burby, Guay of Lebanon, Jette, Merrill of Plymouth, Morse, Sawyer.

COOS COUNTY: Moffett, Studd, Ramsey, Gagnon, Hayes of Berlin, Seymour, Morris, Ashe, Marshall, Weeks of Stewartstown.

Mr. Hayes of Barrington voting Yes; paired with Mr. Connelly of Manchester voting No.

And the resolution of the committee was adopted.

### Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider the vote whereby it refused to adopt the amendment offered by Mr. Bass of Peterborough.

The question being on the motion to reconsider.

(Discussion ensued)

Mrs. Brungot of Berlin and Messrs. Sayers of Keene and Carter of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion to reconsider prevailed.

The question being on the amendment offered by Mr. Bass of Peterborough.

Mr. McGowan of Manchester demanded the yeas and nays but subsequently withdrew his demand.

On a *viva voce* vote the amendment was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 145, An act relative to hunting on Sunday.

House Bill No. 282, An act prohibiting the jacking of wild birds and wild animals.

The message further announced that the Senate



concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns.

Amend section 1 of the bill by striking out all after the word "operation" in the twenty-fifth and twenty-sixth lines; so that said section as amended will read:

1. *Powers and City Councils.* Amend paragraph VII-a of section 12 of chapter 54 of the Public Laws, as inserted by section 2, chapter 117, Laws of 1935 (commissioners' report, paragraph VIII, section 12, chapter 56) by striking out said paragraph and inserting in place thereof the following: VIII-a. *Traffic Devices and Signals.* To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to establish stop intersections, erect, and provide for the control of traffic by, stop signs or other traffic devices or signals which shall conform to standards set by the Highway Commissioner and shall be approved by him as to type, size, installation and method of operation.

On motion of Mr. Duncan of Jaffrey the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to recall from the Governor for further consideration House Bill No. 181, An act relative to encroachments on highways.

The message also announced that the Senate had passed bills with the following titles, in the passage of

which it asked the concurrence of the House of Representatives:

Senate Bill No. 14 (in new draft and new title), An act relating to salt water smelt.

Senate Bill No. 29, An act relative to the penalty for assaults.

Senate Bill No. 31, An act relative to town appropriations for the acquisition of certain real estate.

Senate Bill No. 32, An act relative to Forest Hill Cemetery, in the town of Charlestown.

Senate Bill No. 37, An act relative to state aid for class V highways in certain towns.

#### **Senate Bills Read and Referred**

Senate Bill No. 14 (in new draft and new title), An act relating to salt water smelt.

Read a first and second time and referred to the Committee on Fisheries and Game.

Senate Bill No. 29, An act relative to the penalty for assaults.

Senate Bill No. 31, An act relative to town appropriations for the acquisition of certain real estate.

Severally read a first and second time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 32, An act relative to Forest Hill Cemetery, in the town of Charlestown.

On motion of Mr. Hamlin of Charlestown the rules were suspended, the reference of Senate Bill No. 32, An act relative to Forest Hill Cemetery, in the town of Charlestown, to a committee was dispensed with and the bill was put upon its third reading and final passage at the present time, and sent to the Secretary of State to be engrossed.

Senate Bill No. 37, An act relative to state aid for class V highways in certain towns.

Read a first and second time and referred to the Committee on Public Improvements.

### Resolution

Mr. Gage of Manchester offered the following resolution:

*Whereas* Sherman Adams, Representative from Lincoln, is confined to the hospital by illness, therefore be it

*Resolved*, That the Clerk of the House send flowers to our fellow member with our best wishes for a speedy recovery to health.

On a *viva voce* vote the resolution was adopted.

On motion of Mrs. Decker of Claremont at 1:30 o'clock the House adjourned.

### Afternoon

The House met at 3:00 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles, and joint resolutions by their captions, were made in order.

House Bill No. 285, An act relative to sessions for registrars of voters in the City of Portsmouth.

House Bill No. 342, An act relating to explosives.

House Joint Resolution No. 27, Joint resolution in favor of Oliver Hadley.

House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 7, An act relating to intra-state fresh pursuit of criminals.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Bailey of Newport at 3:06 o'clock the House adjourned.



WEDNESDAY, MARCH 26, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Collins of Littleton and Grandmaison of Nashua were granted leaves of absence for today and Thursday on account of important business.

Messrs. Clark of Canaan and Robbins of Thornton were granted leaves of absence for the rest of the week on account of illness.

Messrs. Barrett, Kittredge and Kane of Portsmouth, Senechal of Nashua, Bouthillier of Nashua, Shea of Manchester, Brennan of Westmoreland, Smith of New Durham, and Nutter of Rollinsford were granted leaves of absence Thursday on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 11, An act relating to departmental expenditures.

House Bill No. 54, An act relating to investments of savings banks.

House Bill No. 185, An act relative to the purchase of milk for resale or manufacture.

The report was accepted.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 340, An act establishing a state guard, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 24 of said bill by striking out the same and inserting in place thereof the following:

24. *Termination of Service.* Upon the termination of the period of federal service of the New Hampshire National Guard, as hereinafter ascertained, the state guard shall be disbanded and its property accounted for in such manner and order as the adjutant general shall prescribe, and each commissioned officer and enlisted man thereof shall be given an honorable discharge, suitably inscribed, from the military service of the state. Provided, however, that the state guard shall not be disbanded until the release of the national guard or a part thereof from federal service makes it no longer necessary for said state guard to be retained, in the opinion of the governor.

Amend section 26 of said bill by striking out said section and inserting in place thereof the following:

26. *Appropriation.* For the purpose of this act there is appropriated the sum of fifty thousand dollars for the period from the date of the passage of this act to June 30, 1943, provided, however, that when the state guard is disbanded and discharged from the active service of the state by reason of the release of the national guard or a part thereof from federal service as provided in section 24, the unexpended balance of funds hereby appropriated shall no longer be available save for the purpose of liquidating outstanding accounts and claims involving the state guard; storing, selling or otherwise disposing of state property in its possession; returning or otherwise caring for federal property pertaining to it; making such alterations or restorations in state armories as may be necessary for reoccupancy by the national guard; providing additional storage space for state-owned property of the state guard; and such other ex-

penses as may be incidental to the disbandment of such forces.

Amend section 27 of said bill by striking out the first sentence thereof and by striking out the words "for the period from the date of the passage of this act to June 30, 1941" in the fifth and sixth lines and inserting in place thereof the words, provided for by section 26, so that said section as amended shall read as follows:

27. *Bonds and Notes Authorized.* For the purpose of providing funds for the appropriation provided for by section 26, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding fifty thousand dollars, and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Further amend said bill by striking out section 31 thereof and renumbering sections 32 and 33 to read section 31 and 32 respectively.

The report was accepted.

The bill, with the amendments pending, was laid upon the table to be printed in accordance with Rule 48.

Mrs. Banfield of Moultonboro, for the Committee on Judiciary, to whom was referred House Bill No. 101, An act relating to the salary of the justice of the



Municipal Court of Salem, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted and the resolution of the committee adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 252, An act relating to the game of Beano in Nashua, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted and the resolution of the committee adopted.

Mr. Simpson of Bartlett, for the Committee on Judiciary, to whom was referred House Bill No. 313, An act relating to salaries of associate justices, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted and the resolution of the committee adopted.

Mrs. Morris of Lancaster, for the Committee on Judiciary, to whom was referred House Bill No. 70, An act to increase the salary of solicitor of Carroll County, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 207, An act prohibiting the sale of brands of liquor and beverages advertised over the radio, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 236, An

act relating to the time for payment of additional fees for the sale of beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 16, An act relative to the term of commitments to the industrial school, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 300, An act relating to liability of towns, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 353, An act relative to transporting animals by common carriers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 17, Joint resolution providing for the completion of the construction of the Old Stage Coach road in the town of Loudon, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 20, Joint resolution providing for the improvements of the Squam Lake road in the town of Sandwich, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 24, Joint resolution for the improvement of the little Diamond pond road in the town of Stewartstown, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 34, Joint resolution relating to the Oak Hill and Pease roads, so-called in the town of Meredith, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 44, Joint resolution for the improvement of the road from Deering line to South Weare village, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 22, An act relating to taking of cusk in Newfound lake, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 73, An act relative to taking horned pouts in Coos County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 172, An act relative to office hours for state employees, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 180, An act relative to the protection of state and other highways, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole section and inserting in place thereof the following:

1. *Protection of Highways.* Amend chapter 91 of the Public Laws by adding after section 1 the following new section:

1A. *Snow Obstruction.* It shall be unlawful to put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of state, state aided, secondary or trunk line highways for any purpose, except to provide a place necessary for crossing, recrossing and traveling upon said highways by sleds, logging or farm equipment. The provisions of this section shall not apply where snow or ice is pushed across the traveled surface of said highways for the purpose of snow removal from land adjoining said highways.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 52, An act relating to highways, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the whole section and inserting in place thereof the following:

2. Amend section 1 of chapter 74 of the Public Laws by adding at the end thereof the following words, Whenever a city or town shall vote to acquire property for a public parking area such city or town may proceed to acquire the property necessary therefor in the same manner as that provided for the acquisition of property for highway purposes by such city or town, so that said section as amended shall read as follows: 1. *Highways Defined.* Highways are only such as are laid out in the mode prescribed therefor by statute, or as have been used as such for public travel thereon, other than travel to and from a toll-bridge or ferry, for twenty years. Whenever a city or town shall vote to acquire property for a public parking area such city or town may

proceed to acquire the property necessary therefor in the same manner as that provided for the acquisition of property for highway purposes by such city or town.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 335, An act relating to fish and game, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph (a) in section 2 by inserting after the word "Director" in the tenth line the words, or a majority of the commission not being present; further amend by striking out the word "may" in the eleventh line and inserting in place thereof the word, shall, so that said paragraph as amended shall read as follows:

(a) *Hearings; Rules and Regulations.* In each odd numbered year the Director shall hold public hearings for the purpose of hearing interested parties with respect to his duties, as set forth in this title. Such hearings shall be held at the Superior Court House in Concord commencing at 10 A. M. on the first Monday after the 4th of July, and at the Superior Court House at Lancaster, commencing at 10 A. M. on the first Friday following the first Monday after the 4th of July. It shall be the duty of the members of the Commission to be in attendance at such hearings. In the event of the illness of the Director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement notice of the time of subsequent hearing shall be posted at such Court House and given such other publicity as the Director shall deem proper to give adequate notice thereof to interested parties. The Director may in his discretion conduct other public or



private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the Director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the Director under the provisions of this title, shall be given full opportunity to be heard, and the Director shall cause a complete stenographic record to be kept of all testimony taken.

The report was accepted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the amendment was adopted.

Mr. Velishka of Nashua moved that the bill be indefinitely postponed.

(Discussion ensued)

Messrs. Velishka of Nashua and Maxwell of Henniker and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Cotton of Barnstead, Shedd of New Boston, Morse of Warren, Burby of Lebanon and Nelson of Winchester spoke against the motion.

Mr. Wiggin of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

Mr. Burby of Lebanon asked for a division.

A division being had 115 members voted in the affirmative and 181 members voted in the negative, the motion to indefinitely postpone did not prevail.

Mrs. Brungot of Berlin demanded the yeas and nays and the roll was called with the following result:

## YEAS, 108

ROCKINGHAM COUNTY: Stowe, Goodrich, Fogg of Deerfield, Fecteau, Evans of Kensington, Palmer, Holmes.

STRAFFORD COUNTY: Jackson, Shaheen, Lucas, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Nutter.

BELKNAP COUNTY: Philbrick of Belmont, O'Shan, Merrill of Laconia, Rogers.

CARROLL COUNTY: Huntress, Nickerson, Smart of Ossipee, Knox.

MERRIMACK COUNTY: Matson, Comi, Sullivan of Concord, Ford, Bunker, Lemire, Maxwell, Kenney, Connor, Mock.

HILLSBOROUGH COUNTY: Bills, Farwell, Bartlett of Goffstown, Charois, Abbott, Morrill, Bresnahan, Kean, McGowan, Betley, Dulac, Connolly, O'Connell, Gorham, Jean, Egan, Caron, Gilmartin, Aubin, Durette, Huard, Rosseau, Daniel of Manchester, Ward 13, Duval, Turgeon, Jewett, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Velishka, Shea of Nashua, St. Francois, Sweeney of Nashua, Ward 7, LeBlanc, Senechal, Bigelow.

CHESHIRE COUNTY: Thomas, Clark of Harrisville, Callahan, Blake, Doucette, Brennan of Westmoreland.

SULLIVAN COUNTY: Barrows, Delorier, Murphy, Bailey of Newport, Kempton, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Pulsifer, Sanborn of Enfield, Hodge, Valia, Whitcomb, Cushman, Day, Barney.

COOS COUNTY: Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Seymour, Chandler, Fraser, Cryan of Lancaster, Marshall, Weeks of Stewartstown.

## NAYS, 215

ROCKINGHAM COUNTY: Tuttle, Wyman, Currier, Berthiaume, Corson, Grinnell, Morrison, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Keay, Nesmith, Pridham, Patridge, Prescott, Hobbs, Johnson of Northwood, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Yeaton, McNeil, Kane of Portsmouth, Tucker, Barron, Peever, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Keenan, Cronin, Kennard, Ackroyd, Leighton, Brennan of Dover, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Smith of New Durham, Hale of Rochester, Studley, Berry.

BELKNAP COUNTY: Cotton, Nichols, Lord, Brown of Gilmanston, Guay of Laconia, Langlois, Tilton of Laconia, Ward 3, Roucher, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Banfield, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Henry, Otis, Potter, Fletcher, Nash, Clinton, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Bunten, Upton, Mayo, Milburn, Riel, Douphinett, Whittier, Rounds, Nelson of Hopkinton, Swift, Carr, Boisvert, Freese, Perkins, Cloues.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Brown of Goffstown, Wakefield, Gleason, Boynton, Gay of Hillsborough, Lievens, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Anderson, Carter of Manchester, Gage, Woodbury of Manchester, Frain, O'Neil, Turcotte, Prince, Ellison,



Wadleigh, Atherton, Cooper, Cormier, Shedd, Bass, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Winslow, Hanson, Robertson, Duncan, Aldrich, Frissell, Lombard, Mason of Keene, Lichman, Duffy, Pickett, Tarbox, Hale of Rindge, Wheeler, Grimes, Pierce, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Daly, Decker, Gaffney, Mercier, Witherill, Brigham, Barton, Condon, Maley, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Brown of Ashland, Blandin, Noyes, Coolidge, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Haley, Oakes, Burby, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Bailey of Lyme, Johnson of Monroe, Bell, Merrill of Plymouth, Morse, Gilbert, Sawyer.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Studd, Hayes of Berlin, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Morris, Fogg of Milan, Ashe, Baldwin, Hutchins, Taylor.

And the motion to indefinitely postpone did not prevail.

Mr. Velishka of Nashua offered the following amendment:

Amend section 6 by adding at the end the words, and shall be in effect for a period of four years, so that said section as amended shall read as follows:

6. *Takes Effect.* This act shall take effect upon its passage and shall remain in effect for a period of four years.

The question being on the amendment.

(Discussion ensued)

Messrs. Velishka of Nashua and Burby of Lebanon

and Mrs. Brungot of Berlin spoke in favor of the amendment.

Messrs. Wiggin of Manchester, Cotton of Barnstead and Upton of Concord spoke against the amendment.

On a *viva voce* vote the amendment was not adopted and the bill was ordered to a third reading.

Mr. Nelson of Winchester moved that the rules be suspended, and the bill be put upon its third reading and final passage, by title, at the present time.

Mr. Velishka of Nashua asked for a division.

A division being had 235 members voted in the affirmative and 29 members voted in the negative, the motion prevailed.

The bill was then read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Wiggin of Manchester moved that the House reconsider its vote, whereby it passed House Bill No. 335, An act relating to fish and game.

On a *viva voce* vote the motion to reconsider did not prevail.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 275, An act providing for special licenses for first class hotels, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 275, An act providing for special licenses for first class hotels, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM B. CONNOR,  
JOHN C. TILTON,  
CHARLES P. COAKLEY,  
*A Minority of the Committee.*

The report was accepted.

Mr. Connor of Sutton moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority, "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Connor of Sutton, Tilton and Coakley of Concord and Hayes of Dover spoke in favor of the motion.

Messrs. Seymour of Carroll, Leighton of Dover, Pickett of Keene, Sweeney of Ward 2, Nashua, and O'Shan of Laconia spoke against the motion.

Mr. O'Shan of Laconia moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

Mr. Coakley of Concord demanded the yeas and nays and the roll was called with the following result:

YEAS, 159

ROCKINGHAM COUNTY: Wyman, Goodrich, Fogg of Deerfield, Grinnell, Morrison, Pennell, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Patridge, Prescott, Hobbs, Palmer, Tucker, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Keenan, Kennard, Smart of Durham, Bartlett of Lee, Longley, Smith of New Durham, Conrad, Hale of Rochester, Berry.

BELKNAP COUNTY: Rollins of Alton, Nichols, Lord, Guay of Laconia, Tilton of Laconia, Ward 3, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton, Rogers.



CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Smart of Ossipee, Knox, Vittum, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Otis, Potter, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Matson, Upton, Ford, Milburn, Bunker, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Bills, Wiggin of Bedford, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Gleason, Boynton, Lievens, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Gage, Prince, Duval, Jewett, Wadleigh, Atherton, Cooper, Woodbury of Nashua, Shedd, Bigelow, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Duncan, Aldrich, Callahan, Frissell, Lombard, Mason of Keene, Lichman, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Witherill, Bailey of Newport, Mark.

GRAFTON COUNTY: Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Holden, Hunter, Davison, Dean, Oakes, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Bailey of Lyme, Day, Bell, Merrill of Plymouth, Gilbert, Sawyer.

COOS COUNTY: Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

NAYS, 155

ROCKINGHAM COUNTY: Stowe, Currier, Berthiaume, Fecteau, Cilley, Goodale, Robbins of Fremont,

Pridham, Johnson of Northwood, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Yeaton, McNeil, Kane of Portsmouth, Holmes, Barron, Peever, Foote of Seabrook.

STRAFFORD COUNTY: Jackson, Cronin, Shaheen, Ackroyd, Leighton, Brennan of Dover, Blanchard, Webster, Nadeau of Rochester, Beaudoin, Potvin.

BELKNAP COUNTY: Cotton, Brown of Gilmanton, O'Shan, Langlois, Roucher.

CARROLL COUNTY: Wiggins of Conway, Huntress, Hayes of Tuftonboro, Jewell of Wolfeboro.

MERRIMACK COUNTY: Carter of Boscawen, Davis of Concord, Henry, Clinton, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Douphinett, Whittier, Boisvert, Perkins, Mock.

HILLSBOROUGH COUNTY: Graham, Edwards, Farwell, Clark of Frankestown, Charois, Gay of Hillsborough, Abbott, Morrill, Anderson, Bresnahan, Frain, Kean, McGowan, O'Neil, Betley, Dulac, Booth, Connolly, O'Connell, Gorham, Turcotte, Egan, Caron, Gilmartin, Aubin, Durette, Huard, Rosseau, Daniel of Manchester, Ward 13, Turgeon, Davis of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Sweeney of Nashua, Ward 7, Cormier, LeBlanc, Senechal, Dugan.

CHESHIRE COUNTY: Robertson, Duffy, Pickett, Doucette, Pierce.

SULLIVAN COUNTY: Hamlin, Barrows, Daly, Decker, Delorier, Gaffney, Mercier, Murphy, Brigham, Barton, Condon, Kempton, Maley, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Brown of Ashland, Noyes, Gile of Hanover, Cryan of Haverhill, Haley, Burby, Guay of Lebanon, Jette, Whitcomb, Johnson of Monroe, Cushman, Morse.

COOS COUNTY: Moffett, Smith of Berlin, Lazure, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Chandler, Fraser, Hutchins.

Tuttle of Atkinson, voting yes, paired with Mrs. Mason of Berlin voting no.

Corson of Derry, voting no, paired with Mr. Bass of Peterborough voting yes.

Woodbury of Manchester, voting yes, paired with Mr. Jean of Manchester, voting no.

And the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass" prevailed.

The question being on the report of the minority, inexpedient to legislate.

Mr. Sweeney of Ward 2, Nashua demanded the yeas and nays but subsequently withdrew his demand.

Mr. Sweeney of Ward 2, Nashua moved that the bill and accompanying report be laid upon the table and made a special order for Tuesday, April 1, at 11:01 o'clock.

On a *viva voce* vote the motion did not prevail.

Mr. Coakley of Concord demanded the yeas and nays.

Mr. Myhaver of Peterborough moved that the House adjourn.

Mr. Lichman of Keene demanded the yeas and nays and the roll was called with the following result:

YEAS, 131

ROCKINGHAM COUNTY: Fecteau, Cilley, Robbins of Fremont, Evans of Kensington, Pridham, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Yeaton, McNeil, Kane of Portsmouth, Holmes, Barron, Peever, Foote of Seabrook, Jewell of Stratham.



STRAFFORD COUNTY: Blanchard, Webster, Smith of New Durham, Nadeau of Rochester, Hale of Rochester, Beaudoin, Potvin.

BELKNAP COUNTY: Cotton, Brown of Gilmanton, Roucher, Smith of New Hampton, Rogers.

CARROLL COUNTY: Wiggin of Conway, Banfield.

MERRIMACK COUNTY: Carter of Boscawen, Davis of Concord, Clinton, Mayo, Comi, Sullivan of Concord, Lemire, Douphinett, Perkins, Mock.

HILLSBOROUGH COUNTY: Farwell, Gay of Hillsborough, Abbott, Morrill, Anderson, Bresnahan, Frain, Kean, McGowan, O'Neil, Betley, Dulac, Booth, Connolly, O'Connell, Gorham, Turcotte, Egan, Caron, Gilmartin, Aubin, Durette, Huard, Prince, Rousseau, Daniel of Manchester, Ward 13, Turgeon, Landry, Sweeney of Nashua Ward 2, Carrier, Trombley, Sullivan of Nashua Ward 4, Bilodeau, Velishka, Paquette, Shea, St. Francois, Betters, Sweeney of Nashua Ward 7, Cormier, LeBlanc, Senechal, Myhaver, Dugan.

CHESHIRE COUNTY: Thomas, Robertson, Callahan, Lombard, Pickett, Wheeler, Doucette, Pierce, Brennan of Westmoreland.

SULLIVAN COUNTY: Hamlin, Barrows, Daly, Decker. Gaffney, Mercier, Murphy, Barton, Condon, Kempton, Maley, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Brown of Ashland, Noyes, Giles of Hanover, Cryan of Haverhill, Burby, Guay of Lebanon, Whitcomb, Cushman, Morse.

COOS COUNTY: Moffett, Smith of Berlin, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Chandler, Fraser.

#### NAYS, 187

ROCKINGHAM COUNTY: Tuttle, Stowe, Lake, Wyman, Currier, Fogg of Deerfield, Berthiaume, Corson, Grinnell, Morrison, Goodale, Pennell, Spollett,

Merrill of Hampton, Keay, Nesmith, Patridge, Hobbs, Johnson of Northwood, Prescott, Palmer, Tucker.

STRAFFORD COUNTY: Hayes of Dover, Jackson, Keenan, Cronin, Shaheen, Kennard, Ackroyd, Leighton, Lucas, Brennan of Dover, Smart of Durham, Bartlett of Lee, Longley, Conrad, Studley, Berry.

BELKNAP COUNTY: Rollins of Alton, Nichols, Lord, Guay of Laconia, Langlois, Tilton of Laconia, ward 3, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn.

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Nickerson, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Henry, Otis, Potter, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Bunten, Matson, Upton, Ford, Milburn, Bunker, Riel, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Boisvert, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Charois, Gleason, Boynton, Lievens, Cummings, Chase, Daniels of Manchester ward 1, Knowlton, Wiggin of Manchester, Gage, Woodbury of Manchester, Duval, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Goulet, Shedd, Bigelow, Peaslee.

CHESHIRE COUNTY: Winslow, Hanson, Clark of Harrisville, Duncan, Aldrich, Frissell, Mason of Keene, Lichman, Duffy, Tarbox, Hale of Rindge, Blake, Grimes, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Delorier, Witherill, Brigham, Bailey of Newport, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Holden, Hunter, Davison, Dean, Haley, Oakes, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Bailey of Lyme, Johnson of Monroe, Day, Bell, Merrill of Plymouth, Gilbert, Sawyer.

COOS COUNTY: Lazure, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.

And the motion to adjourn did not prevail.

Mr. Osborne of Concord moved that the bill be indefinitely postponed.

Mr. Sweeney of Ward 2, Nashua demanded the yeas and nays, but subsequently withdrew his demand and asked for a division.

A division being had 180 members voted in the affirmative and 130 members voted in the negative and the motion to indefinitely postpone prevailed.

Mr. Jackson of Dover demanded the yeas and nays and the roll was called with the following result:

#### YEAS, 166

ROCKINGHAM COUNTY: Tuttle, Lake, Goordich, Fogg of Deerfield, Grinnell, Morrison, Cilley, Pennell, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Prescott, Hobbs, Palmer, Jewell of Stratham.

STRAFFORD COUNTY: Jackson, Cronin, Shaheen, Leighton, Lucas, Webster, Bartlett of Lee, Nadeau of Rochester, Beaudoin, Potvin, Studley.

BELKNAP COUNTY: Cotton, Brown of Gilmanton, Langlois, Roucher, Ewing.

CARROLL COUNTY: Wiggin of Conway, Huntress, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Carter of Boscawen, Davis



of Concord, Brunel, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Douphinett, Boisvert, Perkins, Mock.

HILLSBOROUGH COUNTY: Farwell, Clark of Francestown, Charois, Gay of Hillsborough, Abbott, Morrill, Anderson, Bresnahan, Frain, Kean, McGowan, O'Neil, Betley, Dulac, Booth, Connolly, O'Connell, Gorham, Turcotte, Egan, Caron, Gilmartin, Aubin, Durette, Huard, Prince, Rousseau, Daniel of Manchester, ward 13, Turgeon, Ellison, Landry, Sweeney of Nashua, ward 2, Carrier, Goulet, Trombley, Sullivan of Nashua, ward 4, Bilodeau, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Sweeney of Nashua, ward 7, Cormier, LeBlanc, Senechal, Dugan.

CHESHIRE COUNTY: Robertson, Callahan, Duffy, Pickett, Doucette, Pierce.

SULLIVAN COUNTY: Hamlin, Barrows, Daly, Decker, Delorier, Gaffney, Mercier, Murphy, Brigham, Barton, Condon, Kempton, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Brown of Ashland, Noyes, Gile of Hanover, Burby, Guay of Lebanon, Jette, Whitcomb, Cushman, Morse.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lemieux, Studd, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Chandler, Fraser, Hutchins.

#### NAYS, 151

ROCKINGHAM COUNTY: Stowe, Wyman, Currier, Berthiaume, Corson, Fecteau, Goodale, Robbins of Fremont, Pridham, Johnson of Northwood, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Yeaton, McNeil, Kane of Portsmouth, Holmes, Tucker, Barron, Peever, Foote of Seabrook.

STRAFFORD COUNTY: Hayes of Dover, Keenan,

Kennard, Smart of Durham, Blanchard, Longley, Smith of New Durham, Conrad, Hale of Rochester.

BELKNAP COUNTY: Rollins of Alton, Nichols, Lord, Guay of Laconia, Tilton of Laconia, ward 3, Merrill of Keay, Nesmith, Prescott, Hobbs, Palmer, Jewell of Laconia, Rivers, Hopkins, Neal, Pynn, Smith of New Hampton, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young.

MERRIMACK COUNTY: Phelps, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Henry, Otis, Potter, Fletcher, Nash, Clinton, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Matson, Upton, Ford, Milburn, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Gleason, Boynton, Lievens, Cummings, Chase, Daniels of Manchester, ward 1, Knowlton, Wiggin of Manchester, Gage, Woodbury of Manchester, Duval, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Shedd, Bigelow, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Duncan, Aldrich, Frissell, Lombard, Mason of Keene, Lichman, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Witherill, Bailey of Newport:

GRAFTON COUNTY: Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Haley, Oakes, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing,

Bailey of Lyme, Johnson of Monroe, Day, Bell, Merrill of Plymouth, Gilbert, Sawyer.

COOS COUNTY: Lazure, Christiansen, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

And the motion to indefinitely postpone prevailed.

Mr. Wiggin of Manchester moved that the House reconsider the vote whereby it voted to indefinitely postpone the bill.

Mr. Jackson of Dover demanded the yeas and nays but subsequently withdrew his demand and asked for a division.

A division being had 112 members voted in the affirmative and 186 members voted in the negative and the motion to reconsider did not prevail.

Mr. Shaheen of Dover demanded the yeas and nays and the roll was called with the following result:

#### YEAS, 131

ROCKINGHAM COUNTY: Stowe, Lake, Berthiaume, Goodale, Pridham, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Yeaton, McNeil, Kane of Portsmouth, Holmes, Peever, Foote of Seabrook.

STRAFFORD COUNTY: Jackson, Cronin, Shaheen, Ackroyd, Brennan of Dover, Webster, Beaudoin, Potvin.

BELKNAP COUNTY: Langlois, Roucher.

CARROLL COUNTY: Wiggin of Conway, Huntress.

MERRIMACK COUNTY: Carter of Boscawen, Davis of Concord, Clinton, Brunel, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Douphinett, Boisvert, Perkins, Mock.

HILLSBOROUGH COUNTY: Farwell, Charois, Gay of Hillsborough, Abbott, Morrill, Anderson, Bresnahan, Frain, Kean, McGowan, O'Neil, Betley, Dulac, Booth,



Connolly, O'Connell, Gorham, Turcotte, Egan, Caron, Gilmartin, Aubin, Durette, Huard, Rosseau, Daniel of Manchester, Ward 13, Turgeon, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Sullivan of Nashua, Ward 4, Bilodeau, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Sweeney of Nashua, Ward 7, Cormier, LeBlanc, Senechal, Dugan.

CHESHIRE COUNTY: Robertson, Callahan, Lombard, Duffy, Pickett, Doucette, Pierce.

SULLIVAN COUNTY: Hamlin, Barrows, Daly, Gaffney, Mercier, Murphy, Brigham, Barton, Condon, Kempton, Maley, Cram.

GRAFTON COUNTY: Noyes, Gile of Hanover, Cryan of Haverhill, Burby, Guay of Lebanon, Whitcomb, Cushman, Morse.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Chandler, Fraser, Hutchins.

#### NAYS, 186

ROCKINGHAM COUNTY: Tuttle, Wyman, Goodrich, Currier, Fogg of Deerfield, Corson, Grinnell, Morrison, Cilley, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Patridge, Prescott, Hobbs, Johnson of Northwood, Palmer, Tucker, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Keenan, Kennard, Leighton, Lucas, Smart of Durham, Blanchard, Bartlett of Lee, Longley, Smith of New Durham, Conrad, Hale of Rochester, Studley, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Brown of Gilmanton, Guay of Laconia, Tilton of Laconia, Ward 3, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Henry, Otis, Potter, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Matson, Upton, Ford, Milburn, Bunker, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Gleason, Boynton, Lievens, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Gage, Woodbury of Manchester, Prince, Duval, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Shedd, Bigelow, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Duncan, Aldrich, Frissell, Mason of Keene, Lichman, Tarbox, Hale of Rindge, Blake, Wheeler, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Delorier, Witherill, Bailey of Newport, Mark, Philbrick of Springfield, Osborne of Sunapee.

GRAFTON COUNTY: Brown of Ashland, Blandin, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Holden, Hunter, Davison, Dean, Haley, Oakes, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Bailey of Lyme, Johnson of Monroe, Day, Bell, Merrill of Plymouth, Gilbert, Sawyer.

COOS COUNTY: Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster,

Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

And the motion to reconsider did not prevail.

### Message From the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills:

Senate Bill No. 11, An act relating to departmental expenditures.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 54, An act relating to investments of savings banks.

House Bill No. 185, An act relative to the purchase of milk for resale or manufacture.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 339, An act providing for a state council of defense.

Amend section 11 of the bill by striking out the figures 2500 in the first line of said section and substituting therefor the figures 1500; so that said section as amended will read:

11. *Appropriation.* The sum of \$1500 is hereby appropriated for the use of the Council for the period ending June 30, 1941; \$5000 for the fiscal year 1941-1942; \$5000 for the fiscal year 1942-1943. The governor with the advice and consent of the Executive



Council, is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

On motion of Mr. Hunter of Hanover the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, below cost, of merchandise for the purpose of injuring competitors or destroying competition.

Senate Bill No. 21 (in new draft), An act relative to municipal permit fees for certain agricultural vehicles.

Senate Bill No. 34, An act relating to fiduciary powers of trust companies and national banks.

### **Senate Bills Read and Referred**

Senate Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, below cost, of merchandise for the purpose of injuring competitors or destroying competition.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 21 (in new draft), An act relative to municipal permit fees for certain agricultural vehicles.

Read a first and second time and referred to the Committee on Transportation.

Senate Bill No. 34, An act relating to fiduciary powers of trust companies and national banks.

Read a first and second time and referred to the Committee on Banks.

On motion of Mr. Guay of Laconia the House adjourned from the morning session.

### Afternoon

The House was immediately called to order in afternoon session.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended, the third reading of bills by titles, was made in order.

House Bill No. 52, An act relating to highways.

House Bill No. 172, An act relative to office hours for state employees.

House Bill No. 180, An act relative to the protection of state and other highways.

Severally read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. LeBlanc of Nashua served notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted House Bill No. 252, An act relating to the game of Beano in Nashua, inexpedient to legislate.

On motion of Mr. Atherton of Nashua at 3:40 o'clock the House adjourned.

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THURSDAY, MARCH 27, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Boisvert of Pembroke, Shaheen of Dover, Morse of Warren, Gaffney of Claremont, Hinchey of Berlin, Lemire of Franklin, Riel of Franklin, McGowan of Manchester, Cram of Unity, Betley of Manchester, Frain of Manchester, Tilton of Laconia, Ward 4, Moffett of Berlin, Hayes of Berlin, Studd of Berlin, and Canty of Portsmouth and Mrs. Decker of Claremont were granted leaves of absence for the day on account of important business.

Mr. Mahoney of Manchester was granted leave of absence for the day on account of illness.

Mr. Stewart of Manchester was granted leave of absence for the day to attend a funeral.

Messrs. Haley of Holderness, Creighton of Manchester, and Connor of Sutton were granted leave of absence Tuesday, April 1st, on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 7, An act relating to intra-state fresh pursuit of criminals.

Senate Bill No. 32, An act relative to Forest Hill cemetery in the town of Charlestown.

House Bill No. 160, An act relative to operation of traffic devices and signals in cities and towns.

House Bill No. 330, An act relative to taxation of poultry.

House Joint Resolution No. 11, Joint resolution in favor of the estate of Clara B. C. Rose otherwise known as Clara B. Rozewski.

The report was accepted.



Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 385, An act authorizing the town of Ossipee to issue refunding notes or bonds, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Smart of Ossipee moved that the rules be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Smart of Ossipee spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Smart of Ossipee moved that the rules be further suspended and the bill be put upon its third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

Mr. Bilodeau of Nashua for the Committee on Insurance, to whom was referred House Bill No. 111, An act relative to the license for the exhibition of moving pictures, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Dondero of Portsmouth for the Committee on Judiciary, to whom was referred House Bill No. 309, An act relating to public inspection of records of city governments, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, the subject matter being covered by existing law.

The report was accepted and the resolution of the committee adopted.

Mr. Bailey of Lyme for the Committee on Claims, to whom was referred House Joint Resolution No. 43, Joint resolution in favor of Herman J. Pike, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Fogg of Deerfield for the Committee on Public Improvements, to whom was referred House Bill No. 380, An act relating to a public park and recreational area on Long Island in the town of Moultonborough, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Corson of Derry for the Committee on Transportation, to whom was referred House Bill No. 174, An act relating to the length of motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 360, An act relating to motor vehicles carrying

passengers for hire, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Osborne of Concord offered the following amendment:

Amend the title of the bill to read: An act relating to the regulation, at certain railroad crossings, of motor vehicles carrying passengers for hire.

The question being on the amendment.

(Discussion ensued)

Mr. Osborne spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Transportation, to whom was referred House Bill No. 219, An act relating to the use of commercial motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 103 of the Public Laws, as amended by chapter 107 of the Laws of 1935 and chapter 69 of the Laws of 1939, by adding thereto after section 8-c the following new sections:

8-d. *Use Prohibited.* No person, firm, association or corporation shall operate, or permit, allow or cause to be operated, any motor vehicle designed or constructed by the manufacturer exclusively for the transportation of goods, materials, commodities, freight or merchandise, for the purpose of carrying passengers for a consideration, express or implied.

8-e. Nothing in section 8-d shall be construed to prevent the transportation therein of employees of



the owner of any such vehicle, in the course of, or to and from their place of employment, or vehicle approved by the Motor Vehicle Commissioner under section 8-c.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 314, An act relating to exemption of members of the Legislature from paying bridge toll, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole of section 1 and inserting in place thereof the following: 1. *Toll Exemption.* Amend chapter 64, Laws of 1933, by inserting after section 9 the following new section, 9-a. *Toll Exemption.* Members and attaches of the General Court shall be exempted from paying tolls while going to and from legislative sessions.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 386, An act relative to light and reflectors on motor vehicles, tractors, trailers and semi-trailers, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 387, An act relating to the transportation of explosives, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 388, An act relative to the definition of chauffeur, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 389, An act relative to licenses to operate motor vehicles, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 340, An act establishing a state guard, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 24 of said bill by striking out the same and inserting in place thereof the following:

24. *Termination of Service.* Upon the termination of the period of federal service of the New Hampshire National Guard, as hereinafter ascertained, the state guard shall be disbanded and its property accounted for in such manner and order as the adjutant general shall prescribe, and each commissioned officer and enlisted man thereof shall be given an honorable

discharge, suitably inscribed, from the military service of the state. Provided, however, that the state guard shall not be disbanded until the release of the national guard or a part thereof from federal service makes it no longer necessary for said state guard to be retained, in the opinion of the governor.

Amend section 26 of said bill by striking out said section and inserting in place thereof the following:

26. *Appropriation.* For the purpose of this act there is appropriated the sum of fifty thousand dollars for the period from the date of the passage of this act to June 30, 1943, provided, however, that when the state guard is disbanded and discharged from the active service of the state by reason of the release of the national guard or a part thereof from federal service as provided in section 24, the unexpended balance of funds hereby appropriated shall no longer be available save for the purpose of liquidating outstanding accounts and claims involving the state guard; storing, selling or otherwise disposing of state property in its possession; returning or otherwise caring for federal property pertaining to it; making such alterations or restorations in state armories as may be necessary for reoccupancy by the national guard; providing additional storage space for state-owned property of the state guard; and such other expenses as may be incidental to the disbandment of such forces.

Amend section 27 of said bill by striking out the first sentence thereof and by striking out the words "for the period from the date of the passage of this act to June 30, 1941" in the fifth and sixth lines and inserting in place thereof the words, provided for by section 26, so that said section as amended shall read as follows:



27. *Bonds and Notes Authorized.* For the purpose of providing funds for the appropriation provided for by section 26, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding fifty thousand dollars, and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

Further amend said bill by striking out section 31 thereof and renumbering sections 32 and 33 to read section 31 and 32 respectively.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Messrs. Callahan of Keene, Connelly of Manchester, and Brennan of Westmoreland spoke against the motion.

Messrs. Fecteau of Epping, O'Shan of Laconia, Chase of Manchester, Batchelor of Keene and Wiggin of Manchester spoke in favor of the motion.

Mr. Hayes of Dover moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was

ordered. The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

### Resolutions

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock and that when it then adjourns, it adjourns to meet Tuesday morning at 11:00 o'clock.

Mrs. Dugas of Berlin offered the following resolution:

*Whereas*, This House has learned with sorrow of the death of Mrs. Olive E. Bourgeois, sister of Bernadette E. Charois, Representative from Greenville, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our colleague in her bereavement, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to her.

ALPHONSINE M. DUGAS,  
ESTHER C. BIXBY,  
ABBIE H. ROBERTSON,  
MARYE L. CARON,  
RAY E. TARBOX,  
WILLIAM T. THOMPSON,  
JOSEPH A. SEYMOUR,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bill and joint resolution, sent up from the House of Representatives:

House Bill No. 330, An act relative to taxation of poultry.

House Joint Resolution No. 11, Joint resolution in favor of the estate of Clara B. C. Rose, otherwise known as Clara B. Rozewski.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles.

Amend section 2, Clause b, by striking out the words "beyond a reasonable doubt" so that said section as amended shall read as follows:

(b) to either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident when the commissioner shall be satisfied that neither caused nor contributed to cause the accident;

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 10, Joint resolution in favor of Charles E. Stevens.



Amend the joint resolution by striking out the words "Five hundred" in the fourth line and substituting therefor the words One thousand, and by striking out the words "and fifty" in the sixth line; so that said joint resolution as amended will read:

That the sum of four thousand nine hundred and ten dollars and thirty-one cents (\$4,910.31) be and hereby is appropriated for compensation and expenses on account of an accident suffered by Charles E. Stevens of Warren while working on a state highway on June 6, 1939 as follows: One thousand dollars to said Charles E. Stevens, upon the passage of this resolution, and ten dollars per week for a period of two hundred weeks; three hundred and eighty dollars to Olga Chiaradia, R. N.; six hundred and fourteen dollars to H. C. Pickwick, M. D., Lisbon; fifty dollars to D. M. Miller, M. D., Woodsville; forty-seven dollars and fifty cents to F. J. Kasheta, M. D., Warren; four hundred and seventy-four dollars and seventy-six cents to Cottage Hospital, Woodsville; one hundred sixteen dollars and five cents to Mary Hitchcock Memorial Hospital, Hanover; two hundred twenty-eight dollars to Hitchcock Clinic, Hanover. The sums hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claims.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 17 (new draft) An act relative to legal investments for savings banks.

### Senate Bill Read and Referred

Senate Bill No. 17 (in new draft), An act relative to legal investments for savings banks.

Read a first and second time, and referred to the Committee on Banks.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 385, An act authorizing the town of Ossipee to issue refunding notes or bonds.

House Bill No. 97, An act providing for a fiscal agent for the County of Coos.

The message also announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 97, An act providing for a fiscal agent for the County of Coos.

Amend section 4 of said bill by striking out the word "month" in the last line and inserting in place thereof the word, quarter.

On motion of Mr. Hutchins of Stratford the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Third Reading

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, were made in order.

House Bill No. 174, An act relating to the length of motor vehicles.

House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles.

House Bill No. 219, An act relating to the use of commercial motor vehicles.

House Bill No. 314, An act relating to exemption of members of the Legislature from paying bridge toll.

House Bill No. 360 (new title), An act relating to the regulation at certain railroad crossings of motor vehicles carrying passengers for hire.

Severally read a third time and passed, and sent to the Senate for concurrence.

House Bill No. 340, An act establishing a state guard.

Read a third time.

The question being, Shall the bill pass?

Mr. Callahan of Keene asked for a division.

A division being had, 230 members voted in the affirmative, and 42 members voted in the negative, and the bill passed.

Mr. Callahan of Keene demanded the yeas and nays, but subsequently withdrew his demand.

Mr. Prescott of Newton demanded the yeas and nays, and the roll was called with the following result:

#### YEAS, 252

ROCKINGHAM COUNTY: Tuttle, Lake, Wyman, Goodrich, Currier, Fogg of Deerfield, Berthiaume, Corson, Grinnell, Morrison, Fecteau, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Pridham, Patridge, Coleman, Labranche, Rousseau of Newmarket, Prescott, Hobbs, Johnson of Northwood, Palmer, Dondero, Gray, Redden, Yeaton, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Holmes, Tucker, Barron, Foote of Seabrook, Jewell of Stratham.



STRAFFORD COUNTY: Hayes of Dover, Cronin, Hartford, Kennard, Leighton, Lucas, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Nadeau of Rochester, Conrad, Hale of Rochester, Beaudoin, Potvin, Studley, Fernald, Habel, Boucher, Hebert, Coffin, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Philbrick of Belmont, Lord, Brown of Gilmanton, O'Shan, Guay of Laconia, Tilton of Laconia, Ward 3, Roucher, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro.

MERRIMACK COUNTY: Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Vernoneau, Davis of Concord, Henry, Otis, Potter, Fletcher, Nash, Clinton, Tilton of Concord, Brunel, Upton, Ford, Milburn, Bunker, Douphinett, Whittier, Maxwell, Rounds, Kenney, Swift, Carr, Freese, Perkins, Connor, Mock, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Charois, Boynton, Gay of Hillsborough, Lievens, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, O'Neil, Booth, Benoit of Manchester, Ward 7, Gorham, Benoit of Manchester, Ward 8, Chevrette, Constant, Kane of Manchester, Roy, Egan, Caron, Aubin, Durette, Prince, Rosseau, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Spalding, Sullivan of Nashua, Ward 4, Cormier, LeBlanc, Shedd, Thompson, Bigelow, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Robertson, Aldrich, Mason of Keene, Lichman, Duffy, Tarbox, Hale of Rindge, Grimes, Ingham.

SULLIVAN COUNTY: Higley, Beland, Marcotte, Witherill, Bailey of Newport, Condon, Kempton, Maley, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Gile of Hanover, Holden, Cryan of Haverhill, Davison, Dean, Haley, Oakes, Burby, Gile of Lebanon, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Gilbert, Sawyer.

COOS COUNTY: Moffett, Smith of Berlin, Evans of Berlin, Lazure, Lemieux, Christiansen, Ramsey, Bixby, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

NAYS, 68.

ROCKINGHAM COUNTY: Stowe, Foote of Portsmouth.

STRAFFORD COUNTY: Hamel, Nadeau of Somersworth.

BELKNAP COUNTY: Nichols.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Osborne of Concord, Sturtevant, Mayo, Comi, DuDevoir.

HILLSBOROUGH COUNTY: Abbott, Morrill, Barry, Dowd, Kean, Creighton, Dulac, O'Brien, Connolly O'Connell, Gaumont, Jean, Tessier, Adams of Manchester, Driscoll, Gilmartin, Stewart, Carroll, Huard, Daniel of Manchester, Ward 13, Duval, Lesmerises,

Thibodeau of Manchester, Turgeon, Landry, Carrier, Trombley, Bilodeau, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua, Ward 7, Wilcox.

CHESHIRE COUNTY: Duncan, Callahan, Frissell, Lombard, Pickett, Blake, Wheeler, Doucette.

SULLIVAN COUNTY: Hamlin, Daly, Mercier, Murphy, Brigham, Philbrick of Springfield.

GRAFTON COUNTY: Butler, Robbins of Thornton.

COOS COUNTY: Dugas, Gagon, Chandler, Fraser, Ashe.

Mr. Nelson of Hopkinton, voting yes, paired with Mr. Velishka of Nashua, voting no.

Mr. Cloues of Warner, voting yes, paired with Mr. Brennan of Westmoreland, voting no.

Mr. Sweeney of Nashua, Ward 2, voting no, paired with Mr. Hunter of Hanover, voting yes.

Mr. Bachelor of Keene, voting yes, paired with Mr. Pelletier of Keene, voting no.

And the bill passed and was sent to the Senate for concurrence.

Mr. Palmer moved that the House reconsider the vote whereby the House passed House Bill No. 340, An act establishing a state guard.

On a *viva voce* vote the motion to reconsider did not prevail.

### Personal Privilege

Mr. St. Francois of Nashua rose to a point of personal privilege, and stated that he misunderstood the question when voting on House Bill No. 340, An act establishing a state guard, and desired to be recorded as voting Yes.

Mr. Brennan of Westmoreland rose to a point of personal privilege, and made the following statement:

Earl Brennan of Westmoreland voted against House Bill No. 340, "Establishing a State Guard, upon the



grounds of efficiency and economy, contending that the functions intended can be more effectively and economically accomplished by the New Hampshire State Police.

EARL BRENNAN.

Mr. Frissell of Keene rose to a point of personal privilege, and made the following statement:

It being my honest conviction that the methods proposed in House Bill No. 340 to combat the dangers of "invasion, rebellion and riot" alluded to are grossly ineffective and expensive, I wish to have recorded in the Journal of the House my dissent against its passage. The major appeal of the proponents being on the basis of a frenzied patriotism rather than a quiet, logical and careful consideration of the merits of the various proposals is contrary to my conception of democratic, sensible and safe methods of enacting legislation.

SIDNEY S. FRISSELL.

On motion of Mrs. Robertson of Hinsdale at 1:08 o'clock the House adjourned.

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SATURDAY, MARCH 29, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 29, 1941.

Mr. E. James Winslow,  
Chesterfield, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 1, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Holmes of Raymond was granted leave of absence for the day on account of death in the family.

Messrs. Pelletier of Keene, Frain, Anderson, and Getz of Manchester, Clark of Canaan, Marcoix of Claremont, Sawyer of Woodstock, Lord of Gilford, Lake of Brentwood, Currier of Danville, Mason of Keene, and Myhaver of Peterborough and Miss Bailey of Newport were granted leaves of absence for the day on account of important business.

Messrs. Mahoney of Manchester and Grindle of Conway were granted leaves of absence for the day on account of illness.

Messrs. Wiggin of Conway, Fecteau of Epping, Studley of Rochester, and Hodge of Franconia were granted leave of absence for Tuesday and Wednesday on account of important business.

Messrs. Duffy of Keene, Mercier of Claremont, Hayes of Tuftonborough and Philbrick of Belmont were granted leaves of absence for Wednesday on account of important business.

Messrs. Boisvert of Pembroke, Whitcomb of Littleton, and Bartlett of Lee were granted leaves of absence for Wednesday and Thursday on account of important business.

Mr. Healy of Manchester was granted leave of absence Thursday on account of important business.

Mr. Higley of Acworth was granted leave of absence for the rest of the week on account of important business.

Messrs. Boynton of Hillsborough and Leighton of Dover were granted leave of absence for the week on account of illness.

Mr. Lievens of Hollis was granted leave of absence for the week on account of a death in the family.

Messrs. Hinchey of Berlin, Hayes of Rochester, Bass of Peterborough and Thomas of Dublin were granted leaves of absence for the week on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 97, An act providing for a fiscal agent for the county of Coos.

House Bill No. 385, An act authorizing the town of Ossipee to issue refunding notes or bonds.

House Bill No. 337, An act to establish a new apportionment for the assessment of public taxes.

Senate Joint Resolution No. 2, Joint resolution making an appropriation for the dredging of the entrance to the channel to Big Squam lake in the town of Holderness.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 339, An act providing for a state council of defense, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the word "ten" in the third line and inserting in place thereof the word, eleven.



On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 241, An act relating to actions of guests to recover compensation for damages in motor vehicle accidents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sullivan of Nashua, for the Committee on State Prison, to whom was referred House Bill No. 373, An act relating to the care and custody of female convicts, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 74, An act relating to reimbursement of towns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred Senate Bill No. 37, An act relative to state aid for class V highways in certain towns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 374, An act to legalize the annual town meeting held on the

eleventh day of March, 1941, in the town of Enfield, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following: 1. *Town Meeting Action Legalized*. The votes and proceedings taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield whereby the selectmen of said town were authorized to borrow money in anticipation of taxes are hereby legalized, ratified, and confirmed.

Amend section 2 by inserting at the beginning thereof the words "Takes effect" so that the same shall read as follows: 2. *Takes Effect*. This act shall take effect upon its passage.

Amend the title of said bill by striking out the whole thereof and inserting in place thereof the following: An act legalizing certain action taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 390, An act relative to the height of load permitted upon a motor vehicle, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Transportation.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 391, An act relating to attaching of motor vehicle plates, with the recom-

mendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Transportation.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 392, An act relative to the operation of nonresident pleasure motor vehicles, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Transportation.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 393, An act relative to small claims courts and procedure thereunder, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942, reported the same with the following amendments and the recommendation that the bill as amended ought to pass, and with this recommendation pending be laid on the table to be printed, and be taken up in the regular order of business on Thursday, April 3, 1941.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriations.* The sums hereinafter mentioned are appropriated to be paid out of the treasury of the



state for the purposes specified for the fiscal year ending June 30, 1942, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature only	\$125,000.00
Council of State Governments	\$250.00

For the Executive Department:

Office of Governor:

Salary of governor	\$5,000.00
Salary of governor's secretary	3,000.00
Clerical expenses	4,800.00
Current expenses	4,500.00

Total	\$17,300.00
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Council per diem and expenses	6,500.00
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Contingent fund	5,000.00
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Emergency fund for protection of interests of the state	45,000.00
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Total Executive Department	\$73,800.00
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For Judicial Branch:

Supreme Court:

Salaries of supreme court justices	\$35,000.00
Salary of clerk of court	1,500.00
Salary of court reporter	1,800.00
Other clerical expenses	1,650.00
Current expenses	3,800.00
Printing and binding New Hampshire reports	3,500.00

Total	\$47,250.00
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Less revenue	130.00
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Net appropriation	\$47,120.00
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## Superior Court:

Salaries of superior court justices	\$42,000.00	
Other personal services	200.00	
Current expenses	8,300.00	
Referees and masters	6,000.00	
Expenses of referees and masters	1,000.00	
	<hr/>	
Total		57,500.00

## Probate Court:

Salaries of probate court justices	\$17,600.00	
Salaries of registers and deputies	20,300.00	
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Total		37,900.00

Total Judicial Branch	<hr/>	\$142,520.00
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## For Adjutant-General's Department:

## Office of Adjutant-General:

Salary of Adjutant-General	\$3,000.00*	
Clerical expenses	3,600.00	
Current expenses	1,200.00	
Total		\$7,800.00

## National Guard:

Salaries	\$25,000.00	
Current expenses—National Guard	8,125.00	
Current expenses—State Guard	4,900.00	
	<hr/>	
Total		38,025.00

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\* The above appropriation of \$3,000 for the adjutant-general's salary shall not be transferred to or used for any other state function.

## Armories:

Salaries	\$16,540.00	
Current expenses	19,050.00	
Total		35,590.00
Rifle ranges		960.00
War service recognition		600.00

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 Total Adjutant-General's  
Department

\$82,975.00

## For Department of Agriculture:

## Office of Commissioner:

Salary of commissioner	\$3,500.00
Salary of deputy commissioner	2,750.00
Clerical expenses	4,290.00
Current expenses	1,558.00

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 Total

\$12,098.00

Institutes and public meetings	1,060.00
Granite State Dairymen's Association	500.00
New Hampshire Horticultural Society	1,000.00
New Hampshire Sheep Breeders' Association	250.00
Nursery inspection	800.00
Feeding stuffs inspection	5,000.00
Fertilizer inspection	1,864.00
Seed inspection	1,057.00
Insecticides and fungicides	200.00
Apiary law	300.00

## Insect Suppression:

Salary of deputy commissioner	\$1,600.00
Salaries of clerks and assistants	8,450.00
Current expenses	2,300.00

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 Total

12,350.00



## Dairy Inspection:

Salary of inspector	\$2,750.00
Current expenses	1,105.00

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Total	3,855.00
Licensing milk dealers	275.00
Fair exhibits	450.00
Eastern States Exposition	1,500.00
Egg inspection	2,935.00

## Bureau of Markets:

Salaries	\$3,237.00
Current expenses	775.00

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Total	4,012.00
Crop reporting service	1,000.00
Printing and mailing bulletins	6,400.00
Labeling services	500.00
Apple grading	1,100.00

## Division of Animal Industry:

## Office of veterinarian:

Salary of state veterinarian	\$3,500.00
Clerical expenses	10,376.00
Current expenses	4,075.00

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Total	\$17,951.00
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## Field Expenses:

Salary of appraiser	\$2,500.00
Tubercular testing	50,000.00
Other testing fees	2,850.00
Current expenses	3,000.00

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Total	58,350.00
Testing fees	15,000.00

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Total Department of  
Agriculture

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\$149,807.00

## For Attorney General's Department:

Salary of attorney-general	\$6,000.00
Salary of assistant attorney-general	4,000.00
Salary of chief clerk	2,000.00
Salary of research clerk	2,000.00
Salary of law clerk	1,800.00
Salary of chief accountant	1,500.00
Clerical expenses	4,800.00
Current expenses	3,450.00
Fees to registers of probate	4,250.00
Legacy tax expenses	1,100.00

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Total Attorney-General's Department	\$30,900.00
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## For Comptroller's Department:

Salary of comptroller	\$5,000.00
Salary of assistant comptroller	3,300.00
Clerical expenses	13,925.00
Current expenses	2,900.00

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Total	\$25,125.00
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G. A. R.	600.00
Granite State Deaf Mute Mission	150.00
Old Home Week Association	300.00
New Hampshire Historical Society	500.00
Military organizations	200.00
Firemen's Relief Association	4,000.00
Prisoners' Aid Association	600.00
New Hampshire Veterans' Association	1,500.00

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Total Comptroller's Department	\$32,975.00
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## For Forestry and Recreation:

## Administration:

Salary of state forester	\$3,500.00
Salary of assistant state forester	2,500.00
Clerical expenses	8,150.00
Current expenses	4,585.00

Total	<u>                    </u>	\$18,735.00
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## Nursery:

Salaries	\$5,000.00
Current expenses	2,440.00

Total	<u>                    </u>	7,440.00
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## Reforestation:

Salaries	\$1,000.00
Current expenses	900.00

Total	<u>                    </u>	1,900.00
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## District Fire Supervision:

Salaries	\$5,265.00
Current expenses	2,650.00

Total	<u>                    </u>	7,915.00
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Lookout stations	10,000.00
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## Prevention of fires:

Salaries	\$950.00
Current expenses	4,050.00

Total	<u>                    </u>	5,000.00
Forest fire bills to towns		7,500.00



## White pine blister rust eradication :

Salaries	\$3,795.00
Current expenses	295.00

Total	4,090.00
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## Recreation :

Salary of director	\$2,200.00
Seasonal personnel	20,000.00
Clerical expenses	850.00
Current expenses	12,500.00

Total	\$35,550.00
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Less estimated revenue	18,048.00
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Net appropriation	17,502.00
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## Federal Emergency Project :

Salaries	\$1,500.00
Current expenses	2,880.00

Total	4,380.00
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Total Forestry and Recreation Department	\$84,462.00
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## For Insurance Department:

Salary of commissioner	\$5,000.00
Salary of deputy commissioner	1,800.00
Clerical expenses	13,100.00
Current expenses	5,440.00
Total Insurance Department	\$25,340.00

## For Bureau of Labor:

Office of Commissioner:	
Salary of commissioner	\$4,000.00
Clerical expenses	5,700.00
Current expenses	3,370.00

Total	\$13,070.00
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Minimum Wage Division:

Salaries of investigators	\$6,000.00
Clerical expenses	2,000.00
Current expenses	3,950.00

Total	11,950.00
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Factory Inspection:

Salaries of inspectors	\$6,300.00
Clerical expenses	1,350.00
Current expenses	3,575.00

Total	11,225.00
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National employment office	15,000.00
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Total Bureau of Labor	\$51,245.00
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For Purchasing Agent:

Salary of purchasing agent	\$4,000.00
Clerical expenses	8,850.00
Current expenses	2,160.00

Total Purchasing Agent	\$15,010.00
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For State Department:

Office of Secretary:

Salary of secretary	\$4,000.00
Salary of deputy secretary	2,700.00
Clerical expenses	9,075.00
Current expenses	2,535.00

Total	\$18,310.00
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Indexing state papers	400.00
State and provincial records	3,740.00
Direct primary	450.00
Australian ballot	550.00

## Photostat Department:

Salary of technician	\$1,950.00	
Current expenses	625.00	
Total		2,575.00
Total State Department		\$26,025.00

For Department of Buildings and  
Grounds:

Salary of superintendent	\$2,500.00	
Other salaries	57,740.00	
Current expenses	50,600.00	
Franklin Pierce homestead maintenance	560.00	
Daniel Webster birthplace maintenance	500.00	
Total Department of Build- ing and Grounds		\$111,900.00

## For Mailing Department:

Clerical expenses	\$2,330.00	
Current expenses	450.00	
Total Mailing Department		\$2,780.00

## For State Library:

Salary of librarian	\$2,500.00	
Clerical expenses	10,361.00	
Current expenses	12,135.00	
Total State Library		\$24,996.00



## For State Police:

Salary of superintendent	\$4,000.00
Salary of deputy superintendent	3,500.00
Other salaries	118,025.00
Current expenses	75,475.00

Total	\$201,000.00
Less revenue	175,000.00

Net Appropriation	\$26,000.00
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Of the above appropriation the sum of \$175,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from registration and licensing motor vehicles and operators, and the sum of \$26,000 shall be a charge upon the general funds of the treasury.

## For Treasury Department:

## Office of Treasury:

Salary of treasurer	\$4,000.00
Salary of deputy treasurer	2,700.00
Clerical expenses	12,500.00
Current expenses	6,035.00

Total	\$25,235.00
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## Highway Expenses:

Clerical expenses	\$3,350.00
Current expenses	1,990.00

Total	\$5,340.00
Less Highway Funds	5,340.00

Net Appropriation	00.00
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## Intangible Tax Division:

Clerical expenses	\$1,950.00
Current expenses	528.00

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Total	\$2,478.00
Less Revenue	2,478.00

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Net Appropriation	00.00
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## Collection of Gasoline Tax:

Clerical expenses	\$3,000.00
Current expenses	895.00

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Total	\$3,895.00
Less Revenue	3,895.00

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Net Appropriation	00.00
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Trust fund obligations	40,802.00
Bounties	3,500.00
Burial of soldiers and sailors	5,000.00

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Total Treasury Department	\$74,537.00
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## For Department of Weights and Measures:

Salary of commissioner	\$3,000.00
Salaries of four inspectors	8,000.00
Clerical expenses	1,940.00
Current expenses	9,635.00

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Total Department of Weights Measures	\$22,575.00
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## For University of New Hampshire:

Maintenance, Chapter 180,	
Section 18	\$552,478.47
Extension work, under the	
Smith-Lever act	36,000.00
	<hr/>
Total University of New Hamp-	
shire	\$588,478.47

Section 23, Chapter 180 of  
the Public Laws is hereby  
suspended for the fiscal  
year ending June 30, 1942.

## For Industrial School:

## Administration:

Salary of superintendent	\$4,000.00
Salary of assistant superin-	
tendent	2,600.00
Clerical expenses	2,800.00
Current expenses	2,180.00
	<hr/>
Total	\$11,580.00

## Instruction:

Salaries	\$5,080.00
Current expenses	900.00
	<hr/>
Total	5,980.00

## Custodial Care:

Salaries	\$21,150.00
Current expenses	17,270.00
	<hr/>

Total	38,420.00
Auxiliary to custodial care	590.00



Operation of Plant:		
Salaries	\$1,710.00	
Current expenses	15,050.00	
	<hr/>	
Total		16,760.00
Maintenance of Plant:		
Salaries	\$3,180.00	
Current expenses	1,550.00	
	<hr/>	
Total		4,730.00
Agriculture:		
Salaries	\$2,655.00	
Current expenses	8,575.00	
	<hr/>	
Total		11,230.00
Parole Office:		
Salaries	\$1,010.00	
Current expenses	1,300.00	
	<hr/>	
Total		2,310.00
	<hr/>	
Total Industrial School		\$91,600.00
For Laconia State School:		
Administration:		
Salary of superintendent	\$4,000.00	
Clerical expenses	8,030.00	
Current expenses	2,703.00	
	<hr/>	
Total		\$14,733.00
Professional Care and Treatment:		
Salaries	\$46,155.00	
Current expenses	3,515.00	
	<hr/>	
Total		49,670.00

## Custodial Care:

Salaries	\$12,396.00
Current expenses	50,025.00

Total	62,421.00
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## Operation of Plant:

Salaries	\$4,520.00
Current expenses	26,125.00

Total	30,645.00
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## Maintenance of Plant

Salaries	\$7,610.00
Current expenses	4,775.00

Total	12,385.00
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## Agriculture:

Salaries	\$21,521.00
Current expenses	19,367.00

Total	\$40,888.00
Less Revenue	1,000.00

Net Appropriation	39,888.00
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Total Laconia State School	\$209,742.00
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## For New Hampshire State Hospital:

## Administration:

Salary of superintendent	\$5,000.00
Salary of assistant superintendent	3,600.00
Other salaries	26,660.00
Current expenses	8,380.00

Total	\$43,640.00
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## Professional Care and Treatment:

Salaries	\$239,324.00	
Current expenses	29,360.00	
	<hr/>	
Total	\$268,684.00	
Less Revenue	350.00	
	<hr/>	
Net Appropriation		\$268,334.00

## Custodial Care:

Salaries	\$72,491.00	
Current expenses	260,820.00	
	<hr/>	
Total	\$333,311.00	
Less Revenue	5,000.00	
	<hr/>	
Net Appropriation		328,311.00

## Operation of Plant:

Salaries	\$27,374.00	
Current expenses	90,248.00	
	<hr/>	
Total	\$117,622.00	
Less Revenue	350.00	
	<hr/>	
Net Appropriation		117,272.00

## Maintenance of Plant:

Salaries	\$49,000.00	
Current expenses	12,000.00	
	<hr/>	
Total		61,000.00



## Agriculture:

Salaries	\$15,879.00	
Current expenses	35,614.00	
	<hr/>	
Total	\$51,493.00	
Less Revenue	1,500.00	
	<hr/>	
Net Appropriation		\$49,993.00

## New Medical and Surgical Building:

Salaries	\$18,051.00	
Current expenses	2,220.00	
	<hr/>	
Total		20,271.00
		<hr/>
Total State Hospital		\$888,821.00

## For Soldiers' Home:

## Office of Commandant:

Salaries	\$2,000.00	
Current expenses	370.00	
	<hr/>	
Total		\$2,370.00

## Custodial Care:

Salaries	\$5,200.00	
Current expenses	8,100.00	
	<hr/>	
Total		13,300.00

## Professional Care and Treatment:

Salaries	\$3,000.00	
Current expenses	560.00	
	<hr/>	
Total		3,560.00

## Operation of Plant:

Salaries	\$1,455.00	
Current expenses	4,540.00	
	<hr/>	
Total		5,995.00

## Maintenance of Plant:

Salaries	\$75.00	
Current expenses	1,165.00	
	<hr/>	
Total		1,240.00

## Agriculture:

Salaries	\$1,055.00	
Current expenses	480.00	
	<hr/>	
Total		1,535.00

Total Soldiers' Home	\$28,000.00
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## For State Prison:

## Administration:

Salary of warden	\$3,250.00	
Clerical expenses	3,150.00	
Current expenses	1,475.00	
	<hr/>	
Total		\$7,875.00

Instruction	2,000.00
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## Custodial Care:

Salaries	\$43,400.00	
Current expenses	43,875.00	
	<hr/>	
Total		87,275.00
Auxiliary to custodial care		8,650.00

Operation of Plant:		
Salaries	\$2,982.00	
Current expenses	5,850.00	
	<hr/>	
Total		8,832.00
Maintenance of plant		3,000.00
Prison Farm:		
Salaries	\$1,955.00	
Current expenses	8,545.00	
	<hr/>	
Total	\$10,500.00	
Less Revenue	10,500.00	
	<hr/>	
Net Appropriation		00.00
Parole Officer:		
Salaries	\$5,240.00	
Current expenses	3,910.00	
	<hr/>	
Total		9,150.00
Prison Industries:		
Personal services	\$41,400.00	
Current expenses	66,060.00	
	<hr/>	
Total requirements	\$107,460.00	
Less estimated revenue	107,460.00	
	<hr/>	
Net appropriation		00.00
		<hr/>
Total State Prison		\$126,782.00
For State Sanatorium:		
Administration:		
Salaries	\$5,525.00	
Current expenses	1,535.00	
Total		\$7,060.00



## Professional Care and Treatment:

Salaries	\$18,675.00	
Current expenses	6,500.00	
	<hr/>	
Total		25,175.00

## Custodial Care:

Salaries	\$10,255.00	
Current expenses	24,325.00	
	<hr/>	
Total		34,580.00

## Operation of Plant:

Salaries	\$8,940.00	
Current expenses	10,756.00	
	<hr/>	
Total		19,696.00

## Maintenance of Plant:

Salaries	\$1,100.00	
Current expenses	2,900.00	
	<hr/>	
Total		4,000.00

## Agriculture:

Salaries	\$3,050.00	
Current expenses	2,300.00	
	<hr/>	
Total		5,350.00

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Total State Sanatorium	\$95,861.00
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## For Milk Control Board:

Salaries	\$8,269.00	
Current expenses	4,606.00	
	<hr/>	
Total Milk Control Board		\$12,875.00

## For Probation Department:

Salaries	\$28,094.00	
Current expenses	11,747.00	
	<hr/>	
Total Probation Department		\$39,841.00

## For Water Resources Board:

## Administration:

Salaries	\$16,300.00	
Current expenses	2,350.00	
	<hr/>	
Total	\$18,650.00	
Less income	2,500.00	
	<hr/>	
Total administration		\$16,150.00

## Water Control Commission:

Salaries	\$3,450.00	
Current expenses	790.00	
	<hr/>	
Total		4,240.00
Stream flow gauging:*	\$7,250.00	
Less transfer from highway funds	2,750.00	
	<hr/>	
Total		4,500.00
		<hr/>
Total Water Resources Board		\$24,890.00

## For State Board of Education:

## Administration:

Salaries	\$40,325.00	
Current expenses	13,650.00	
	<hr/>	
Total		\$53,975.00

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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750.00 shall be a charge upon the highway funds.

Equalization—state aid	350,000.00
Superintendents' salaries	196,500.00
Education of deaf	16,000.00

Vocational education (Smith-Hughes) :—

Salaries	\$3,675.00
Current expenses	1,100.00

Total	4,775.00
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George Deen Act:

Salaries	\$2,450.00
Current expenses	2,000.00

Total	4,450.00
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Vocational Rehabilitation:

Salaries	\$2,525.00
Current expenses	5,900.00

Total	8,425.00
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Keene Teachers' College:

Salaries	\$125,159.00
Current expenses	67,400.00

Total	192,559.00
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Plymouth Teachers' College:

Salaries	\$68,750.00
Current expenses	43,300.00

Total	112,050.00
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Total Appropriation available for Expenditure	938,734.00
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The revenues, estimated as follows, shall  
be applied to the above appropriation:

Per capita tax	\$155,774.00	
Literary fund	37,000.00	
Unorganized places	7,000.00	
Rebate (\$3.50 tax)	8,000.00	
Keene Teachers' College, tuition and board	110,200.00	
Plymouth Teachers' College, tuition and board	52,050.00	
Excess superintendents' salaries	95,000.00	
<hr/>		
Total estimated revenue	465,024.00	
		<hr/>
Total net estimated appropriation		
State Board of Education	\$473,710.00	

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Office of secretary:

Salary of secretary	\$3,000.00	
Clerical expenses	1,500.00	
Current expenses	3,460.00	
<hr/>		
Total	\$7,960.00	

## Vital statistics:

Salaries	\$4,810.00	
Current expenses	800.00	
	<hr/>	
Total		5,610.00

## Public Health Nursing:

Salaries	\$13,000.00	
Current expenses	4,340.00	
	<hr/>	
Total		17,340.00

## Control of venereal diseases:

Salaries	\$7,050.00	
Current expenses	3,000.00	
	<hr/>	
Total		10,050.00

Purchases of antitoxin 1,200.00

## Maternal and child health:

Salaries	\$2,175.00	
Current expenses	800.00	
	<hr/>	
Total		2,975.00

## Crippled children's services:

Salaries	\$3,600.00	
Current expenses	8,100.00	
	<hr/>	
Total		11,700.00

## Laboratory of hygiene:

Salaries	\$16,850.00	
Current expenses	4,725.00	
	<hr/>	
Total		21,575.00

## Sanitation:

Salaries	\$8,600.00	
Current expenses	3,100.00	
Total		11,700.00
Total board of health		\$90,110.00

## For Department of Public Welfare:

## Administration:

Salary of director	\$4,000.00	
Salary of assistant director	2,200.00	
Other salaries	37,297.00	
Current expenses	15,690.00	
Total		\$59,187.00

## State Services:

Salaries	\$6,970.00	
Current expenses	3,160.00	
Total		10,130.00

## Field Services:

Salaries	\$141,010.00	
Current expenses	58,836.00	
Total		199,846.00

## Blind Administration and Services:

Salaries	\$10,375.00	
Current expenses	7,520.00	
Total		17,895.00

Aid to tuberculous persons (teacher)	780.00
Share of merit system council	3,600.00



## Civilian Conservation Corps:

Salaries	\$3,180.00
Current expenses	2,160.00

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Total	5,340.00
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Old age assistance	2,368,979.00
Aid to dependent children	414,500.00
Aid to needy blind	99,174.00
Sight conservation	5,000.00
Workshop for the blind	16,000.00
Aid to tuberculous persons	80,000.00
Education of the blind	9,000.00
John Nesmith fund	3,700.00

## Total Department of Public

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Welfare	\$3,293,131.00
Less income	2,033,723.00

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Net Appropriation Department  
of Public Welfare \$1,259,408.00

In this department any balance which which may be unexpended shall not lapse, but shall be for the further use of the department.

## For bank commission:

Salary of commissioner	\$5,000.00
Salaries of deputy commissioners	6,000.00
Clerical expenses	19,425.00
Current expenses	11,333.00

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Total	\$41,758.00
Less estimated revenue	2,000.00

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Total bank commission \$39,758.00

## For cancer commission:

Personal services	\$19,450.00
Current expenses	45,025.00

Total	\$64,475.00
Less estimated revenue	15,475.00

Net appropriation cancer commission	\$49,000.00
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For state planning and development  
commission:

## Development division:

Salary of director	\$4,000.00
Clerical expenses	12,216.00
Current expenses	46,265.00

Total	\$62,481.00
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Less estimated revenue	2,500.00
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Total development division	\$59,981.00
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## Planning division:

Salary of director	\$4,000.00
Clerical expenses	17,072.00
Current expenses	5,800.00

Total	\$26,872.00
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Less estimated revenue	200.00
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Total planning division	26,672.00
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## Division of industrial promotion:

Salaries	\$6,450.00
Current expenses	3,750.00

Total	10,200.00
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Land Use board	250.00
Tourist service	4,000.00
Regional associations*	12,500.00

\*This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total planning and development commission	\$113,603.00
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For Public Library Commission:

Office of commission:

Salary of secretary	\$2,000.00
Clerical expenses	7,500.00
Current expenses	950.00

Total	\$10,450.00
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Traveling libraries	3,675.00
Institutes	500.00
Field work	3,054.00
State aid	1,000.00

Total public library commission	\$18,679.00
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## For public service commission:

Salaries of three commissioners	\$15,000.00	
Engineers, legal fees, experts and clerical services	44,530.00	
Current expenses	29,075.00	
	<hr/>	
Total	\$88,605.00	
Less estimated revenue	24,065.00	
	<hr/>	
Total public service commission		\$64,540.00

## For tax commission:

## Office of commission:

Salaries of three commissioners	\$10,000.00	
Clerical expenses	9,500.00	
Current expenses	7,350.00	
	<hr/>	
Total tax commission		\$26,850.00

## Municipal accounting division:

Salary of accountant	\$3,250.00	
Clerical expenses	8,075.00	
Current expenses	3,900.00	
	<hr/>	
Total	\$15,225.00	
Less estimated revenue	1,100.00	
	<hr/>	
Net appropriation		\$14,125.00

## Assessment of intangible tax:

Salary of director	\$2,750.00
Clerical expenses	5,300.00
Current expenses	2,500.00

Total	\$10,550.00
Less estimated revenue	10,550.00

Net appropriation	00.00
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## Tobacco products tax division:

Salary of director	\$2,500.00
Clerical expenses	15,950.00
Current expenses	27,250.00

Total	\$45,700.00
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Assessment of gas and electric  
utilities tax:

Clerical expenses	\$1,950.00
Current expenses	225.00

Total	\$2,175.00
Less estimated revenue	2,175.00

Net appropriation	00.00
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Total tax commission	\$86,675.00
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For pharmacy commission	\$2,275.00
For board of optometry	725.00
For board of chiropractic examiners	850.00
For registration of veterinary surgeons	100.00
For commission of arts and crafts	10,000.00
For teacher's retirement board	20,000.00
For firemen's retirement board	20,000.00
For fish and game department:	\$235,000.00
Less estimated revenue	235,000.00

Net appropriation	00.00
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In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided, however, that if said income of the fish and game fund is less than the above estimate of \$235,000 a sum sufficient to make the total equal to \$235,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6, chapter 172 of the Laws of 1937. Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total appropriation	\$5,489,420.47
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All changes of salaries or wages of officers or employees paid from appropriations made under this chapter, except those fixed by statute, shall be fixed and determined at the time of the transmission of the budget by the Governor to the Legislature and no such changes shall be effective prior to the fiscal year for which the appropriations are made.

2. *Takes Effect.* This act shall take effect July 1, 1941.

The report was accepted.

The bill with the amendments was laid upon the table to be printed.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 44, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1943, reported the same with the following amendments and the recommendation that the bill as



amended ought to pass, and with this recommendation pending be laid on the table to be printed, and be taken up in the regular order of business on Thursday, April 3, 1941.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appropriations.* The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1943, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature only	\$125,000.00
Council of State Governments	\$250.00
For the Executive Department:	

Office of the Governor:

Salary of Governor:	\$5,000.00
Salary of governor's secretary	3,000.00
Clerical expenses	4,850.00
Current expenses	4,500.00

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Total office of governor	\$17,350.00
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Council per diem and expenses	7,500.00
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Contingent Fund:

July 1, to Dec. 31, 1942	\$2,500.00
January 1 to June 30, 1943	2,500.00

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Total contingent fund	5,000.00
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Emergency Fund for protection of  
interests of the state:

July 1, to Dec. 31, 1942	\$22,500.00
Jan. 1, to June 30, 1943	22,500.00

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Total emergency fund	45,000.00
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Total executive department	\$74,850.00
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## For Judicial Branch:

## Supreme Court:

Salaries of supreme court justices	\$35,000.00
Salary of clerk of court	1,500.00
Salary of court reporter	1,800.00
Clerical expenses	1,650.00
Current expenses	3,800.00

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Total	\$43,750.00
Less estimated revenue	130.00

## Net appropriation Supreme

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Court expenses	\$43,620.00
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Printing and binding New Hampshire reports	3,500.00
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Total supreme court	\$47,120.00
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## Superior Court:

Salaries of superior court justices	\$42,000.00
Other personal services	200.00
Current expenses	8,300.00
Referees and masters	6,000.00
Expenses of referees and masters	1,000.00

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Total superior court	57,500.00
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## Probate Court:

Salaries of probate court justices	\$17,600.00	
Salaries of probate court registers and deputies	20,300.00	
		<hr/>
Total probate court		37,900.00
		<hr/>
Total Judicial branch		\$142,520.00

## For Adjutant-General's Department:

## Office of Adjutant-General:

Salary of Adjutant-General	\$4,000.00*	
Clerical expenses	3,600.00	
Current expenses	1,200.00	
		<hr/>
Total		\$8,800.00

## National Guard:

Salaries	\$45,000.00	
Current expenses—National Guard	12,750.00	
Current expenses—State Guard	2,900.00	
		<hr/>
Total		60,650.00

## Armories:

Salaries	\$16,540.00	
Current expenses	19,800.00	
		<hr/>
Total		36,340.00

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\* The above appropriation of \$4,000 for the adjutant-general's salary shall not be transferred to or used for any other state function.



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Rifle ranges	960.00
Officers' Uniforms	2,500.00
War Service Recognition	600.00

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Total Adjutant- General's Department	\$109,850.00
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For Department of Agriculture:

Office of Commissioner:

Salary of Commissioner	\$3,500.00
Salary of deputy com- missioner	2,700.00
Clerical expenses	4,390.00
Current expenses	1,993.00

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Total	\$12,583.00
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Institutes and public meetings	1,060.00
Granite State Dairymen's Asso- ciation	500.00
New Hampshire Horticultural Society	1,000.00
New Hampshire Sheep Breeders' Asso- ciation	250.00
Nursery Inspection	800.00
Feeding stuffs inspection	5,000.00
Fertilizer inspection	1,864.00
Seed Inspection	1,057.00
Insecticides and fungicides	200.00
Apiary law	300.00

Insect suppression:

Salary of deputy commis- sioner	\$1,600.00
Salaries of clerks and assist- ants	8,450.00
Current expenses	2,300.00

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Total	12,350.00
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## Dairy Inspection:

Salary of Inspector	\$2,750.00
Current expenses	1,105.00

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Total	\$3,855.00
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Licensing milk dealers	275.00
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Fair exhibits	450.00
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Egg inspection	2,935.00
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Eastern States Exposition	1,500.00
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## Bureau of Markets

Salaries	\$3,237.00
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Current expenses	825.00
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Total	4,062.00
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Crop reporting service	1,000.00
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Printing and mailing bulletins	6,400.00
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Labeling service	500.00
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Apple grading law	1,100.00
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## Division of Animal Industry:

## Office of veterinarian:

Salary of state veterinarian	\$3,500.00
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Clerical expenses	10,676.00
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Current expenses	4,075.00
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Total	18,251.00
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## Field expenses:

Salary of appraiser	\$2,500.00
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Tubercular testing	50,000.00
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Other testing fees	2,850.00
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Current expenses	3,000.00
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Total	58,350.00
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Testing fees	15,000.00
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Total Department of Agriculture	\$150,642.00
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## For attorney-general's department:

Salary of attorney-general	\$6,000.00
Salary of assistant attorney-general	4,000.00
Salary of chief clerk	2,000.00
Salary of research clerk	2,000.00
Salary of law clerk	1,800.00
Salary of chief accountant	1,500.00
Clerical expenses	4,800.00
Current expenses	3,955.00
Fees to registers of probate	4,250.00
Legacy tax expenses	1,100.00

---

Total Attorney-General's Department	\$31,405.00
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## For comptroller's department:

## Administration:

Salary of comptroller	\$5,000.00
Salary of assistant comptroller	3,300.00
Clerical expenses	14,050.00
Current expenses	2,900.00

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Total	\$25,250.00
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G. A. R.	600.00
Granite State Deaf Mute Mission	150.00
Old Home Week Association	300.00
New Hampshire Historical Society	500.00
Military organizations	200.00
Firemen's Relief Association	4,000.00
Prisoners' Aid Association	600.00
New Hampshire Veterans' Association	1,500.00

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Total comptroller's department	\$33,100.00
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## For forestry and recreation department:

## Administration:

Salary of state forester	\$3,500.00
Salary of assistant forester	2,500.00
Clerical expenses	8,300.00
Current expenses	4,585.00

Total	<hr/>	\$18,885.00
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## Nursery:

Salaries	\$5,000.00
Current expenses	2,440.00

Total	<hr/>	7,440.00
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## Reforestation:

Salaries	\$1,000.00
Current expenses	900.00

Total	<hr/>	1,900.00
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## District Fire Supervision:

Salaries	\$5,265.00
Current expenses	2,650.00

Total	<hr/>	7,915.00
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Lookout stations		10,000.00
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## Prevention of fires:

Salaries	\$950.00
Current expenses	4,050.00

Total	<hr/>	5,000.00
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Forest fire bills to towns		7,500.00
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## White pine blister rust eradication:

Salaries	\$3,845.00
Current expenses	250.00

Total	<hr/>	4,095.00
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Recreation:		
Salary of director	\$2,200.00	
Other salaries	20,900.00	
Current expenses	12,500.00	
	<hr/>	
Total	\$35,600.00	
Less revenue	18,498.00	
	<hr/>	
Net appropriation		17,102.00
Federal emergency project:		
Salaries	1,500.00	
Current expenses	2,880.00	
	<hr/>	
Total		4,380.00
		<hr/>
Total forestry and recreation department		\$84,217.00
For insurance department:		
Salary of commissioner	\$5,000.00	
Salary of deputy commissioner	1,800.00	
Clerical expenses	13,200.00	
Current expenses	5,440.00	
	<hr/>	
Total insurance department		\$25,440.00
For bureau of labor:		
Office of commissioner:		
Salary of commissioner	\$4,000.00	
Clerical expenses	5,800.00	
Current expenses	3,570.00	
	<hr/>	
Total		\$13,370.00
Minimum Wage division:		
Salaries of investigators	\$6,000.00	
Clerical expenses	2,100.00	
Current expenses	3,950.00	
	<hr/>	
Total		12,050.00

## Factory inspection:

Salaries of inspectors	\$6,300.00
Clerical expenses	1,400.00
Current expenses	3,575.00

Total	11,275.00
New Hampshire employment office	15,000.00

Total bureau of labor	\$51,695.00
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## For purchasing agent:

Salary of purchasing agent	\$4,000.00
Clerical expenses	8,950.00
Current expenses	2,160.00

Total purchasing agent	\$15,110.00
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## For state department:

## Office of secretary:

Salary of secretary	\$4,000.00
Salary of deputy secretary	2,700.00
Clerical expenses	9,175.00
Current expenses	2,535.00

Total	\$18,410.00
Indexing state papers	400.00
State and provincial records	3,740.00
Direct primary	12,250.00
Australian ballot	17,700.00

## Photostat Department:

Salary of technician	\$1,950.00
Current expenses	625.00

Total	2,575.00
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Total state department	\$55,075.00
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## For department of buildings and grounds:

Salary of superintendent	\$2,500.00
Other salaries	59,090.00
Current expenses	50,600.00
Franklin Pierce Homestead maintenance	410.00
Daniel Webster Birthplace maintenance	500.00

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Total department of buildings and grounds	\$113,100.00
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## For mailing department:

Salaries	\$2,400.00
Current expenses	450.00

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Total mailing department	\$2,850.00
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## For state library:

Salary of librarian	\$2,500.00
Clerical expenses	10,525.00
Current expenses	11,935.00

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Total state library	\$24,960.00
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## For state police:

Salary of superintendent	\$4,000.00
Salary of deputy superintendent	3,500.00
Other salaries	121,675.00
Current expenses	78,825.00

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Total	\$208,000.00
Less highway funds	175,000.00

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Net appropriation for state police \$33,000.00

Of the above appropriation the sum of \$175,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle de-

partment from registration and licensing motor vehicles and operators, and the sum of \$33,000 shall be a charge upon the general funds of the treasury.

For treasury department:

Office of Treasurer:		
Salary of treasurer	\$4,000.00	
Salary of deputy treasurer	2,700.00	
Clerical expenses	12,850.00	
Current expenses	3,667.00	
	<hr/>	
Total		\$23,217.00
Highway expenses:		
Clerical expenses	\$3,500.00	
Current expenses	1,450.00	
	<hr/>	
Total	\$4,950.00	
Less highway funds	4,950.00	
	<hr/>	
Net appropriation		00.00
Intangible tax division:		
Clerical expenses	\$1,950.00	
Current expenses	428.00	
	<hr/>	
Total	\$2,378.00	
Less revenue	2,378.00	
	<hr/>	
Net appropriation		00.00
Collection of gasoline tax:		
Clerical expenses	\$3,050.00	
Current expenses	1,045.00	
	<hr/>	
Total	\$4,095.00	
Less highway funds	4,095.00	
	<hr/>	
Net appropriation		00.00

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Trust fund obligations	40,802.00
Bounties	3,500.00
Burial of soldiers and sailors	5,000.00

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Total treasury department	\$72,519.00
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For department of weights and measures:

Salary of commissioner	\$3,000.00
Salaries of four inspectors	8,000.00
Clerical expenses	1,990.00
Current expenses	5,460.00

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Total weights and measures department	\$18,450.00
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For University of New Hampshire:

Maintenance chapter 180, section 18	\$552,478.47
Extension work under the Smith-Lever act	36,000.00

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Total University of New Hampshire	\$588,478.47
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Section 23, chapter 180 of the Public  
Laws is hereby suspended for the  
fiscal year ending June 30, 1943.

For Industrial School:

Administration:

Salary of superintendent	\$4,000.00
Salary of assistant superintendent	2,600.00
Clerical expenses	2,800.00
Current expenses	2,380.00

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Total	\$11,780.00
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Instruction :		
Salaries	\$5,130.00	
Current expenses	900.00	
	<hr/>	
Total		6,030.00
Custodial care :		
Salaries	\$21,460.00	
Current expenses	17,270.00	
	<hr/>	
Total		38,730.00
Auxiliary to custodial care		590.00
Operation of plant :		
Salaries	\$1,710.00	
Current expenses	15,050.00	
	<hr/>	
Total		16,760.00
Maintenance of plant :		
Salaries	\$3,180.00	
Current expenses	1,550.00	
	<hr/>	
Total		4,730.00
Agriculture :		
Salaries	\$2,715.00	
Current expenses	8,575.00	
	<hr/>	
Total		11,290.00
Parole office :		
Salaries	\$1,010.00	
Current expenses	1,300.00	
	<hr/>	
Total		2,310.00
		<hr/>
Total Industrial School		\$92,220.00

## For Laconia State School:

## Administration:

Salary of Superintendent	\$4,000.00
Clerical expenses	8,134.00
Current expenses	2,803.00

Total	\$14,937.00
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## Professional Care and Treatment:

Salaries	\$46,255.00
Current expenses	3,515.00

Total	49,770.00
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## Custodial Care:

Salaries	\$12,396.00
Current expenses	53,325.00

Total	65,721.00
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## Operation of Plant:

Salaries	\$4,620.00
Current expenses	26,125.00

Total	30,745.00
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## Maintenance of Plant:

Salaries	\$7,610.00
Current expenses	4,775.00

Total	12,385.00
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## Agriculture:

Salaries	\$21,521.00
Current expenses	19,367.00

Total	\$40,888.00
Less revenue	1,000.00

Net appropriation	39,888.00
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Total Laconia State School	\$213,446.00
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## For New Hampshire State Hospital:

## Administration:

Salary of Superintendent	\$5,000.00	
Salary of assistant superintendent	3,600.00	
Other salaries	26,760.00	
Current expenses	8,380.00	
	<hr/>	
Total		43,740.00

## Professional Care and Treatment:

Salaries	\$235,574.00	
Current expenses	29,860.00	
	<hr/>	
Total	\$265,434.00	
Less revenue	350.00	
	<hr/>	
Net appropriation		265,084.00

## Custodial Care:

Salaries	\$72,811.00	
Current expenses	271,920.00	
	<hr/>	
Total	\$344,731.00	
Less revenue	5,000.00	
	<hr/>	
Net appropriation		339,731.00

## Operation of Plant:

Salaries	\$27,424.00	
Current expenses	91,598.00	
	<hr/>	
Total	\$119,022.00	
Less revenue	350.00	
	<hr/>	
Net appropriation		118,672.00



## Maintenance of Plant:

Salaries	\$49,000.00	
Current expenses	12,000.00	
	<hr/>	
Total		61,000.00

## Agriculture:

Salaries	\$15,879.00	
Current expenses	34,864.00	
	<hr/>	
Total	\$50,743.00	
Less revenue	1,500.00	
	<hr/>	
Net appropriation		49,243.00

## New Medical and Surgical Building:

Salaries	\$22,728.00	
Current expenses	2,220.00	
	<hr/>	
Total		24,948.00
		<hr/>
Total State Hospital		\$902,418.00

## For Soldiers' Home:

## Office of the Commandant:

Salaries	\$2,000.00	
Current expenses	370.00	
	<hr/>	
Total		\$2,370.00

## Custodial Care:

Salaries	\$5,200.00	
Current expenses	8,100.00	
	<hr/>	
Total		13,300.00

## Professional Care and Treatment:

Salaries	\$3,000.00
Current expenses	560.00

Total	3,560.00
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## Operation of Plant:

Salaries	\$1,455.00
Current expenses	4,540.00

Total	5,995.00
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## Maintenance of Plant:

Salaries	\$75.00
Current expenses	1,165.00

Total	1,240.00
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## Agriculture:

Salaries	\$1,055.00
Current expenses	480.00

Total	1,535.00
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Total Soldiers' Home	\$28,000.00
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## For State Prison:

## Administration:

Salary of Warden	\$3,250.00
Clerical expenses	3,150.00
Current expenses	1,625.00

Total	\$8,025.00
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Instruction	2,000.00
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## Custodial Care:

Salaries	\$43,400.00
Current expenses	43,875.00

Total	87,275.00
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Auxiliary to Custodial Care:		8,650.00
Operation of Plant:		
Salaries	\$2,982.00	
Current expenses	5,850.00	
	<hr/>	
Total		8,832.00
Maintenance of Plant:		3,000.00
Prison Farm:		
Salaries	\$1,955.00	
Current expenses	8,545.00	
	<hr/>	
Total	\$10,500.00	
Less revenue	10,500.00	
	<hr/>	
Net appropriation		00.00
Parole Officer:		
Salaries	\$5,290.00	
Current expenses	3,910.00	
	<hr/>	
Total		9,200.00
Prison Industries:		
Personal services	\$41,400.00	
Current expenses	66,060.00	
	<hr/>	
Total requirements	\$107,460.00	
Less estimated revenue	107,460.00	
	<hr/>	
Net appropriation		00.00
		<hr/>
Total State Prison		\$126,982.00



## For State Sanatorium:

## Administration:

Salary of Superintendent	\$4,000.00
Clerical expenses	1,575.00
Current expenses	1,685.00

Total	7,260.00
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## Professional Care and Treatment:

Salaries	\$18,675.00
Current expenses	6,500.00

Total	25,175.00
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## Custodial Care:

Salaries	\$10,265.00
Current expenses	23,325.00

Total	33,590.00
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## Operation of Plant:

Salaries	\$8,940.00
Current expenses	10,756.00

Total	19,696.00
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## Maintenance of Plant:

Salaries	\$1,100.00
Current expenses	2,100.00

Total	3,200.00
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## Agriculture:

Salaries	\$3,050.00
Current expenses	2,300.00

Total	5,350.00
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Total State Sanatorium	\$94,271.00
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## For Milk Control Board:

Salaries	\$8,344.00
Current expenses	4,406.00

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Total Milk Control Board	\$12,750.00
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## For Probation Department:

Salary of Director	\$4,000.00
Salaries of eight probation officers	16,400.00
Other personal services	8,894.00
Current expenses	11,847.00

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Total Probation Department	\$41,141.00
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## For Water Resources Board:

## Administration:

Salaries	\$16,950.00
Current expenses	2,350.00

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Total	\$19,300.00
Less estimated revenue	2,600.00

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Net appropriation	16,700.00
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## Water Control Commission:

Salaries	\$3,500.00
Current expenses	790.00

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Total	4,290.00
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Stream Flow Gauging:\*

Less transfer from highway funds	2,750.00
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Total	4,500.00
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Total Water Resources Board	\$25,490.00
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\* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750.00 shall be a charge upon the highway funds.

## For State Board of Education:

## Administration:

Salaries	\$40,400.00
Current expenses	13,650.00

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Total	54,050.00
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Equalization—state aid	350,000.00
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Superintendents' salaries	196,500.00
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Education of deaf	16,000.00
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## Vocational Education (Smith-Hughes):

Salaries	\$3,725.00
Current expenses	1,100.00

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Total	4,825.00
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## George Deen Act:

Salaries	\$2,450.00
Current expenses	2,000.00

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Total	4,450.00
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## Vocational Rehabilitation:

Salaries	\$2,550.00
Current expenses	5,900.00

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Total	8,450.00
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## Keene Teachers' College:

Salaries	\$122,159.00
Current expenses	62,200.00

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Total	184,359.00
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## Plymouth Teachers' College:

Salaries	\$71,450.00
Current expenses	46,870.00

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Total	118,320.00
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Total appropriation available for expenditure	\$936,954.00
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The revenues, estimated as follows, shall be applied to the above appropriation

Per capita tax	\$154,174.00	
Literary fund	37,000.00	
Unorganized places	7,000.00	
Rebate (\$3.50 tax)	8,000.00	
Keene Teachers' College, tuition and board	100,200.00	
Plymouth Teachers' College, tuition and board	62,050.00	
Excess superintendents' salaries	95,000.00	
	<hr/>	
Total estimated revenue		463,424.00
		<hr/>
Total net estimated appropriation board of education		\$473,530.00

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

## For board of health:

## Office of secretary:

Salary of secretary	\$3,000.00
Clerical expenses	1,500.00
Current expenses	3,460.00

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Total	\$7,960.00
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## Vital statistics:

Salaries	\$4,910.00
Current expenses	800.00

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Total	5,710.00
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## Public Health Nursing:

Salary of director	\$2,400.00
Salaries of nurses	8,800.00
Clerical expenses	1,800.00
Current expenses	4,340.00

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Total	17,340.00
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## Control of venereal diseases:

Salaries	\$7,100.00
Current expenses	3,000.00

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Total	10,100.00
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## Purchase of antitoxin

1,200.00

## Maternal and child health:

Salaries	\$2,225.00
Current expenses	800.00

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Total	3,025.00
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## Crippled children's services:

Salaries	\$3,600.00
Current expenses	8,100.00

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Total	11,700.00
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## Laboratory of hygiene:

Salary of director	\$4,000.00
Other salaries	12,950.00
Current expenses	4,725.00

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Total	21,675.00
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## Sanitation:

Salaries	\$8,600.00
Current expenses	3,100.00

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Total	11,700.00
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Total board of health	\$90,410.00
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## For department of public welfare:

## Administration:

Salary of director	\$4,000.00
Salary of assistant director	2,200.00
Other salaries	35,707.00
Current expenses	16,700.00

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Total	\$58,607.00
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## State services:

Salaries	\$7,120.00
Current expenses	2,950.00

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Total	10,070.00
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## Field services:

Salaries	\$158,520.00
Current expenses	62,971.00

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Total	221,491.00
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## Blind administration and services

Salaries	\$10,575.00
Current expenses	6,620.00

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Total	17,195.00
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Aid to tuberculous persons (teacher)	780.00
Share of Merit System Council	3,600.00
Civilian Conservation Corps:	
Salaries	\$3,230.00
Current expenses	1,800.00

Total	5,030.00
Old age assistance	2,790,825.00
Aid to dependent children	466,687.00
Aid to needy blind	105,607.00
Sight conservation	5,000.00
Workshop for the blind	16,000.00
Aid to tuberculous persons	80,000.00
Education of the blind	9,000.00
John Nesmith fund	3,700.00

Total department of public welfare	\$3,793,592.00
Less estimated revenue	2,383,288.00

Net appropriation department of public welfare	\$1,410,304.00
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In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

For bank commission:

Salary of commissioner	\$5,000.00
Salaries of deputy commissioners	6,000.00
Clerical expenses	19,475.00
Current expenses	11,283.00

Total	\$41,758.00
Less estimated revenue	2,000.00

Net appropriation bank commission	\$39,758.00
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## For cancer commission:

Salaries	\$20,750.00
Current expenses	49,625.00

Total	\$70,375.00
Less estimated income	16,375.00

Net appropriation cancer commission	54,000.00
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For state planning and development  
commission:

## Development division:

Salary of director	\$4,000.00
Clerical expenses	12,616.00
Current expenses	46,265.00

Total	\$62,881.00
Less estimated revenue	2,500.00

Net appropriation development division	60,381.00
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## Planning division:

Salary of director	\$4,000.00
Clerical expenses	17,422.00
Current expenses	5,800.00

Total	\$27,222.00
Less estimated revenue	200.00

Net appropriation planning division	27,022.00
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## Division of industrial promotion:

Salaries	\$6,500.00
Current expenses	3,750.00

Total	10,250.00
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Land Use Board	250.00
Tourist service	4,000.00
Regional Associations*	12,500.00

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Total planning and development commission	\$114,403.00
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For public service commission:

Office of commission:

Salary of secretary	\$2,000.00
Clerical expenses	7,600.00
Current expenses	950.00

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Total	\$10,550.00
Traveling libraries	3,675.00
Institutes	500.00
Field Work	2,504.00
State Aid	1,000.00

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Total public library commission	\$18,229.00
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For public service commission:

Salaries of three commissioners	\$15,000.00
Engineers, legal fees, experts and clerical services	47,230
Current expenses	29,175.00

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Total	\$91,405.00
Less estimated revenue	24,700.00

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Total public service commission	\$66,705.00
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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.



## For tax commission:

## Office of commission:

Salaries of three commissioners	\$10,000.00	
Clerical expenses	9,500.00	
Current expenses	7,050.00	
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Total		\$26,550.00

## Municipal accounting division:

Salary of accountant	\$3,250.00	
Clerical expenses	8,175.00	
Current expenses	3,900.00	
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Total	\$15,325.00	
Less estimated revenue	1,100.00	
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Net appropriation		14,225.00

## Assessment of intangible tax:

Salary of director	\$2,750.00	
Clerical expenses	5,400.00	
Current expenses	2,500.00	
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Total	\$10,650.00	
Less estimated revenue	10,650.00	
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Total net appropriation		00.00

## Tobacco products tax division:

Salary of director	\$2,500.00	
Clerical expenses	16,050.00	
Current expenses	27,250.00	
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Total		45,800.00

Assessment of gas and electric  
utilities tax:

Clerical expenses	\$1,950.00
Current expenses	225.00

Total	\$2,175.00
Less estimated revenue	2,175.00

Net appropriation	00.00
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Total tax commission	\$86,575.00
For pharmacy commission	2,275.00
For board of optometry	725.00
For board of chiropractic examiners	850.00
For registration of veterinary surgeons	100.00
For Commission of arts and crafts	10,000.00
For teachers' retirement board	20,000.00
For firemen's retirement board	20,000.00
For fish and game department	\$235,000.00
Less estimated revenue	235,000.00

Net appropriation	00.00
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In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided, however, that if said income of the fish and game fund is less than the above estimate of \$235,000 a sum sufficient to make the total equal to \$235,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6, chapter 172 of the Laws of 1937. Any unexpended balance of this appropriation

shall lapse and shall not be transferred to any other state appropriation.

Total appropriation \$5,727,093.47

All changes of salaries or wages of officers or employees paid from appropriations made under this chapter, except those fixed by statute, shall be fixed and determined at the time of the transmission of the budget by the Governor to the Legislature and no such changes shall be effective prior to the fiscal year for which the appropriations are made.

2. *Takes Effect.* This act shall take effect July 1, 1942.

The report was accepted.

The bill with the amendments pending was laid upon the table to be printed.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 263, An act relating to the taking of hares and rabbits, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Burby of Lebanon moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Burby of Lebanon and Moore of Bradford spoke in favor of the motion.

Mr. Nelson of Winchester spoke against the motion.

Mr. Carroll of Manchester asked for a division.

A division being had, 36 members voted in the affirmative, and 233 members voted in the negative, the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.



The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 132, An act providing for only one highway agent in a town, reported the same without recommendation.

The report was accepted.

Mr. Cummings of Lyndeboro moved that the bill ought to pass.

The question being on the motion of Mr. Cummings.

(Discussion ensued)

Mr. Cummings of Lyndeboro spoke in favor of the motion.

Mr. Wyman of Candia moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Wyman of Candia, Holden of Hanover, Duncan of Jaffrey and Kenney of Loudon, and Mrs. Banfield of Moultonborough spoke in favor of the motion.

Mr. Frissell of Keene spoke against the motion.

Mr. Pulsifer of Campton asked for a division.

A division being had, 249 members voted in the affirmative, and 38 members voted in the negative, and the motion to indefinitely postpone prevailed.

Mr. Cummings of Lyndeboro demanded the yeas and nays, but subsequently withdrew his demand.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bills, sent up from the House of Representatives:

House Bill No. 50, An act relating to nomination of officers in the city of Nashua.

House Bill No. 159, An act relating to the city of Nashua.

House Bill No. 199 (in new draft and new title), An act relating to the expiration date of permits and licenses issued by the State Liquor Commission.

House Bill No. 337, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 279, An act relating to ward lines in the city of Manchester.

House Bill No. 385, An act authorizing the town of Ossipee to issue refunding notes or bonds.

The message further announced that the Senate had voted to recall from the Governor for further consideration, House Bill No. 210, An act relative to the disqualification of Special Justices of Municipal Courts.

The message also announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 186, An act relating to poll taxes.

On motion of Mr. Mills of Jaffrey at 12:12 o'clock the House adjourned.

### Afternoon

The House met at 3:00 o'clock.

### Third Readings

On motion of Mr. Chase of Manchester, the rules were suspended, and the third reading of bills by their titles, was made in order.

House Bill No. 74, An act relating to reimbursement of towns.

House Bill No. 374, An act legalizing certain action taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield.

Severally read a third time and passed, sent to the Senate for concurrence.

Senate Bill No. 37, An act relative to state aid for class V highways in certain towns.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Rounds of Hill at 3:05 o'clock the House adjourned.

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WEDNESDAY, APRIL 2, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Mr. Stuart of Wilmot was granted leave of absence for Tuesday, April 1, on account of important business.

Messrs. Kenney of Loudon and Bills of Amherst were granted leaves of absence for the week on account of important business.

Mr. Hayes of Dover was granted leave of absence for the day to attend a funeral.

Messrs. Henry of Concord, Guilbeault of Allenstown, Fernald of Rochester, Nutter of Rollinsford, and Grandmaison of Nashua were granted leaves of absence Wednesday and Thursday on account of important business.

Mr. Nadeau of Rochester was granted leave of absence Wednesday and Thursday on account of illness.

Messrs. Anderson of Manchester, Hebert of Somersworth, Smith of New Durham, Tilton of Laconia Ward 4, Sayers of Keene, Shea of Manchester, Shedd of New Boston, and Merrill of Plymouth were granted leaves of absence Thursday on account of important business.



### Committee Reports

Mr. Sawyer of Woodstock for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled joint resolution:

House Joint Resolution No. 10, Joint resolution in favor of Charles E. Stevens.

The report was accepted.

Mrs. Otis of Concord for the Committee on Public Health, to whom was referred House Bill No. 278, An act relating to the practice of dentistry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 187, An act relating to claims and liens against estates, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 188, An act limiting the number of beverage licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 176, An act opening Zephyr lake in the town of Greenfield to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 177, An act opening Sunset lake in the town of Greenfield to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 119, An act relating to license fees for taking fish and game, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tilton, Ward 3, Laconia for the Committee on Appropriations, to whom was referred House Bill No. 380, An act relating to a public park and recreational area on Long Island in the town of Moultonborough, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon for the Committee on Judiciary, to whom was referred Senate Bill No. 2, An act relative to filing of declarations as to qualifications for holding office of representative or senator, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Holden of Hanover for the Committee on Judiciary, to whom was referred House Bill No. 348, An act relating to housing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord for the Committee on Revision of the Statutes, to whom was referred House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Peaslee of Weare for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 22, An act relative to registration of motor vehicles by persons entering the military service of the United States for national defense, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Mills of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing-projects for families of low income, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the figures 10,000 and inserting in place thereof the figures 2,500, so that the same shall read as follows: An act authorizing the creation of housing authorities in cities and towns having a population of more than 2,500 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income.



Amend paragraph (b) section 3 of said bill by striking out the figures 10,000 in the second line thereof and inserting in place thereof the figures 2,500 so that the same shall read as follows: (b) "Municipality" shall mean any city or town having a population of more than 2,500 inhabitants, according to the last preceding Federal or State census. The "Municipality" shall mean the particular municipality for which a particular housing authority is created.

The report was accepted, the amendments adopted and the bill ordered to a third reading.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 326, An act relating to public welfare, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the second paragraph of section 3 by striking out in the tenth and eleventh lines the words "or the enforcement of law" so that said paragraph as amended shall read as follows: 35a. *Confidential Character of Assistance Record.* Whenever under the provisions of law names and address of recipients of old age assistance, aid to dependent children and aid to the blind are furnished to or held by any other agency or department of government, such agency or department of government shall be required to adopt regulations necessary to prevent the publication of lists thereof or their use for purposes not directly connected with the administration of this chapter.

Amend the third paragraph of said section 3 by striking out in the fifth and sixth lines the words "or enforcement of law for any person without the written authorization of the commissioner" and inserting in place thereof the words, and in accordance with regulations prescribed by the commissioner for any person, so that said paragraph as amended shall read as follows: 35b. *Misuses of Certain Assistance Lists and*

*Records.* It shall be unlawful except for purposes directly connected with the administration of old age assistance, and to the blind, aid to dependent children, and in accordance with regulations prescribed by the commissioner or any person, to solicit, disclose, receive, make use of or to authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning persons applying for or receiving such assistance directly or indirectly derived from the records, papers, files or communications of the Department of Public Welfare or agencies thereof, or acquired in the course of the performance of official duties.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 372, An act to amend the charter of New Hampshire Annual Conference of the Methodist Church, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by adding a new section as follows :

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 85, An act relating to the sale and delivery of liquor, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the word "liquor" and inserting in place thereof the word, beverages, so that said title as amended shall read as follows: An act relating to the sale and delivery of beverages.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Sales and Delivery.* Amend section 12 of chapter 3 of the Laws of the special session of 1934, as amended by chapters 13 and 68 of the Laws of 1935, by inserting after the word "guests" in the tenth line the words, provided, further, that persons holding permits under the provisions of section 11 of chapter 99 of the Laws of 1933 may sell and deliver beverages on election days for resale only, so that said section as amended shall read as follows: 12. *Rules and Regulations.* Said commission shall have power to make all necessary and proper rules and regulations for carrying out the provisions of this act, and such rules and regulations shall have the effect of law. No sale of liquor or beverages shall be made on Sundays or election days except by persons holding licenses under the provisions of sections 19, 21, 22, and 23, provided that persons holding licenses under the provisions of section 19 when making sales of beverages on Sundays or election days shall sell only to *bona fide* guests with meals in the dining room or the rooms of guests. Provided, further, that persons holding permits under the provisions of section 11 of chapter 99 of the Laws of 1933 may sell and deliver beverages on election days for resale only. Liquor or beverages shall not be sold in any establishment where booths that are not open at the end or that are more than forty-two inches high are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the fol-



lowing entitled bill, House Bill No. 394, An act relating to the selection of probation officers, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 395, An act relating to Lucas pond in the town of Northwood, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Daniels, Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 59, Joint resolution relating to forest fires, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 245, An act relating to labor and industry, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bills, sent up from the House of Representatives:

House Bill No. 181, An act relative to encroachment on highways.

House Bill No. 272, An act providing for the changing of a class 2B highway to a class V highway.

House Bill No. 274, An act relative to taking brook trout in ponds and lake in Coos County.

House Bill No. 341, An act to protect against sabotage.

House Bill No. 359, An act naming Deering Lake in the town of Deering.

The message further announced that the Senate refused to concur with the House of Representatives in passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 19, An act relating to the proceeds of the sale of tax-acquired property.

House Bill No. 83, An act relating to interest on unpaid taxes.

House Bill No. 134, An act relating to redemption of land sold for taxes.

House Bill No. 256, An act relating to the taking of raccoon.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 30, (in new draft) An act relating to trust funds.

Amend section 1 of said bill by striking out the word "purposes" where it occurs in the fourth and eighth lines and inserting in place thereof the word facilities.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Trust Funds for Districts.* Amend said chapter 42 (said chapter 51) by inserting after section 22 the following new section: 22-a. *Custody; Expenditure.* Except where otherwise specifically provided in the charter of a city or by special act of the legislature whenever a gift, legacy or devise shall be made in trust to a school district, village district or any subdivision of a town and accepted by it, the same shall be held in custody and administered by the trustees of trust funds of such town or in case of districts embracing two or more towns by the trustees of trust funds of that town which the voters of said district may elect. The governing body of any such district or subdivision shall expend such district or subdivision trust funds, or the income thereof to be expended, consistently with the terms of the trust. The provisions of section 23 shall not apply to expenditures of district or subdivision trust funds.

On motion of Mr. Duncan of Jaffrey the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 50, An act relating to nomination of officers in the City of Nashua.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Charter of the City of Nashua.* Amend section 42 of Part I, chapter 427, Laws of 1913, being the charter of the city of Nashua, by striking out the whole of said section and inserting in place thereof the following: Sect. 42. The board of

Further amend said section 1 by inserting after the word "first" in the twenty-third line the word, secular.

On motion of Mr. Cormier of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.



The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 159, An act relating to the City of Nashua.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to method of voting at municipal elections in the city of Nashua.

Amend section 1 of said bill by striking out the first three lines thereof and inserting in place thereof the following:

1. *Form of Ballots.* Amend section 19 of Part I, chapter 427, Laws of 1913, being the charter of the city of Nashua, by striking out the whole of said section and inserting in place thereof the following:

Amend section 2 of said bill by inserting after the figure "23" in the first line the words, of Part I.

Further amend said section 2 by adding after the word "votes" in the eighth line the words, for each candidate.

Further amend said section 2 by striking out the word "afternoon" in the eighteenth line and inserting in place thereof the word, evening.

Further amend said section 2 by striking out all after the word "elected" in the twenty-third line and inserting in place thereof the following:

A plurality of votes shall elect and in case of a tie vote the tie shall be determined by lot under the direction of the city clerk and the person so winning the tie shall be declared elected.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Repeal.* Section 39 of Part I of said chapter 427 of the Laws of 1913, relative to separate ballots for voting for members of the board of education, is hereby repealed.

On motion of Mr. Cormier of Nashua the House con-

curred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 179. An act relative to the protection of state and other highways.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Highway Traffic Regulations.* Amend section 6, chapter 91, Public Laws, as amended by chapter 117, Laws of 1935 and chapter 25, Laws of 1937 (section 7, chapter 107, commissioners report) by striking out said section and inserting in place thereof the following: 6. *Posting; Return.* Regulations controlling traffic by such stop signs, devices, or signals shall be posted on each trunk line and state-aided highway and a return thereof shall be filed with the state highway department to be kept in a special book which shall be open to public inspection. A copy of such return shall be filed with the town clerk for information.

On motion of Mr. Guay of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 199, (in new draft and new title), An act relating to the expiration date of permits and licenses issued by the State Liquor Commission.

Amend section 1 of said bill by striking out the words "June first" in the thirteenth line and inserting in place thereof the words, May thirty-first.

On motion of Mr. Foote of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 279, An act relative to ward lines in the city of Manchester.

Amend section 1 of said bill by adding at the end thereof the words, thence northerly by the center line of South Willow street to the center line of Vinton street.

On motion of Mr. Daniels, Ward 1, of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments in Senate asked the concurrence of the House of Representatives:

House Bill No. 124, An act relating to the power of a county delagation to investigate.

Amend section 1 of the bill by inserting after the word "Laws" in the first line the following: (sec. 9, ch. 44, Commissioners' Report), and by inserting after the word "five" in the seventh line the following: and not over three to be of either of the two major political parties; so that said section as amended will read:

1. Amend section 7 of chapter 35 of the Public Laws (sec. 9, ch. 44, Commissioners' Report) by striking out the words "the county commissioners" in the fourth line and inserting in place thereof the words, any county officer or any person appointed or employed by such officer, so that said section as amended shall read as follows: 7. *Investigations.* The county convention by a vote of a majority of all its members may appoint a committee of its own members, not to exceed five, and not over three to be of either of the two major political parties, to investigate conditions pertaining to the conduct of county affairs by any



county officer or any person appointed or employed by such officer, which committee shall have power to summon witnesses, examine them under oath, secure a transcript of the testimony and do other necessary acts to conduct such an investigation.

On motion of Mr. Corson of Derry the House concurred in the adoption of the amendments send down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 66, An act prohibiting the obstructing of highways.

Amend said bill by inserting after the word "authorized" in line 24, the following: If in their opinion the same is necessary.

On motion of Mr. Pennell of Exeter the House concurred in the adoption of the amendments send down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 322, An act relative to unemployment compensation.

Amend section 16 of said bill by striking out the same and inserting in place thereof the following:

16. *Benefit Eligibility Conditions.* Amend subsection D of section 3 of chapter 179-A, as inserted by chapter 178 of the Laws of 1937, and as amended by section 9 of chapter 138, Laws of 1939 by striking out all of said subsection and inserting in place thereof the following: D. Prior to any week for which he receives benefits, he must have been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week in which he earns no wages in excess of two dollars) for a waiting period of two weeks within the same benefit year and fulfilled the other requirements of this section. No individual shall be required to

accumulate more than two waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection: (1) If benefits have been paid with respect thereto; (2) Unless it occurs after benefits first could become payable to any individual under this chapter; (3) Unless he has annual earnings of two hundred dollars within the base period in accordance with section 1-P (2).

Amend section 24 of said bill by inserting before the word "leaving" where it occurs in the fourth and twenty-third lines the word, voluntarily, and by inserting after the word "employer" in both of said lines the words, without good cause attributable to such employer, so that said section as amended shall read as follows:

24. *Separate Accounts.* Amend section 6-C of said chapter 179-A by inserting the following after the first paragraph of said section: If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attributed to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no charge against

that last employer, and benefits paid to the individual shall be charged against the fund, so that as amended said section shall read as follows: C. *Separate Accounts.* The commissioner shall maintain a separate account for each employer and shall credit his account with all contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer. If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attributed to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no charge against the last employer, and benefits paid to the individual shall be charged against the fund. Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless



objections to said charges are received within six months after the effective date of this section.

If objections to such charges are received, any re-determination of the amounts charged against an employer's account, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address. The commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

Amend section 47 of said bill by striking out the same and inserting in place thereof the following:

47. *Effective Date.* This act shall take effect upon its passage provided that sections 3-a, 4, 9, 22 and 28 shall be deemed effective as of January 1, 1941, and further provided that benefits for all payable weeks ending after the date of the passage of this act shall be paid and treated in all respects in accordance with the provisions of the unemployment compensation laws as amended by this act.

Mr. Hunter of Hanover moved that the House non-concur in the amendments send down from the Honorable Senate and asked for a committee of conference.

On a *viva voce* vote the motion to non-concur prevailed and the Speaker appointed as member on such committee, on part of the House, Messrs. Adams of Lincoln, Tarbox of Marlboro, Matson of Concord, Duncan of Jaffrey and Coakley of Concord.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred Senate Bill No. 4, An act relative to duties of town clerks and supervisors of check-lists, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Reconsideration

Mr. Comi of Concord gave notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted, inexpedient to legislate, House Bill No. 245, An act relating to labor and industry.

On motion of Mrs. Bailey of Newport at 11:45 o'clock the House adjourned.

### Afternoon

The House met at 3 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles, made in order.

House Bill No. 85, An act relating to the sale and delivery of beverages.

House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 2500 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and co-operate in the undertaking of slum-clearance and housing projects for families of low income.

House Bill No. 326, An act relating to public welfare.

House Bill No. 348, An act relating to housing.

House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church.

House Bill No. 372, An act to amend the charter of New Hampshire Annual Conference of the Methodist Church.

House Bill No. 380, An act relating to a public park and recreational area on Long Island in the town of Moultonborough.

Severally read a third time and passed, sent to the Senate for concurrence.

Senate Bill No. 2, An act relative to filing of declarations as to qualifications for holding office of representative or senator.

Senate Bill No. 4, An act relative to duties of town clerks and supervisors of the checklists.

Senate Bill No. 22, An act relative to registration of motor vehicles by persons entering the military service of the United States for national defense.

Severally read a third time and passed, sent to the Secretary of State to be engrossed.

The following report was read by the Speaker:

**Maine-New Hampshire  
Interstate Bridge Authority**

April 1, 1941.

*To the Senate and House of Representatives,  
1941 Session of the Legislature:*

We have the honor to present to the 1941 Session of the Legislature of the State of New Hampshire the first Biennial Report of the Maine-New Hampshire Interstate Bridge Authority as required by an Act of the State of Maine designated Chapter 18, Private and Special Laws of 1937, and an Act of the State of New Hampshire designated Chapter 4, Special Session (1936).

On March 4, 1937, and April 14, 1937, the Governors of the State of Maine and New Hampshire signed an Enabling Act which made it possible to enter into a compact with the United States Government. This latter step was necessary in order to apply for and receive a Grant from the Public Works Administration.



This compact was consummated on July 28, 1937.

Upon obtaining a commitment from the Public Works Administration for forty-five per cent of the cost of the project, the Reconstruction Finance Corporation agreed to buy bonds to be later issued by the Authority to finance the remaining fifty-five per cent of the cost. Bonds paying four per cent interest and maturing in 1969 have been sold and the proceeds used for construction.

The firm of Harrington and Cortelyou, Consulting Engineers of Kansas City, Missouri, was employed to make plans and write specifications. Through their efforts, contracts for building the bridge and approaches were awarded on December 16, 1938, and June 18, 1940, as follows:

Contract 1, Substructure, Frederick Snare Corporation .....	\$682,076.75
Contract 2, Superstructure, The Phoenix Bridge Company .....	994,351.00
Contract 3, Maine Approach, Littleton Construction Co. ....	305,428.75
Contract 4, New Hampshire Approach, John Iafolla Construction Company	496,013.00
Contract 5, Toll House and Equipment, Edward L. Paterson and Son .....	22,905.00

In order to make possible the financing of the bonds, a Trust Indenture was written which, in great detail, sets forth the method of authenticating and selling the bonds and outlines the financial details for the construction and operation of the project.

Following out the requirements of the Trust Indenture, The First National Bank of Boston has been appointed as the Trustee and the First National Bank of Portsmouth, New Hampshire, has been designated as the Depositary.

Up to this date, the following sums have been spent for the purposes designated below:

Preliminary expenses .....	\$2,768.35
Lands, right-of-way and easements ....	154,598.04
Construction .....	2,489,049.92
Engineering .....	162,189.17
Legal and Administrative .....	51,284.61
Interest during construction .....	102,863.33

Total Cost to Date .....	<u>\$2,962,753.42</u>
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There is still some right-of-way to be purchased and, also, there remains work not completed by one contractor, as well as money yet to be paid the contractors for work completed, but these contractors are in variance with the Authority as to the amounts of the final payment.

For the money spent, the Authority is holding as a Public Trust a bridge and approaches 4.42 miles long between a point about 2½ miles south of the Piscataqua River in New Hampshire and about 1½ miles north of the said river in Maine.

Some of the principal data covering the bridge and approaches is as follows:

Length of entire project .....	4.42 miles
Length of bridge between abutments (Five spans including 224 ft. lift span) .....	2,798 feet
Length of bridge approach (New Hampshire—fifteen spans) (Maine—six spans) .....	1,083 feet 475 feet
Length of connecting highway approaches (New Hampshire) .....	2.55 miles
(Maine) .....	1.34 miles
Width of bridge (three lanes) .....	33 feet

Width of highways (two lanes each direction) .....	44 feet
Quantity of concrete pavement .....	100,600 sq. yd.
Number of grade separation crossings	
(Streets and highways) .....	6
(Railroad) .....	2
Total concrete masonry .....	50,000 cu. yd.
Total steel .....	7,300 tons
Maximum depth of piers in water ...	90 feet
Final cost of project—approximately	\$3,250,000.00

The bridge was formally opened to traffic on November 8, 1940, since which time tolls have been collected upon the following basis:

Passenger cars .....	10 cents
Light delivery trucks .....	10 cents
Other trucks:	
Two-axle truck, with single tires on rear wheels .....	15 cents
Two-axle truck, with double tires on rear wheels .....	20 cents
With more than two axles .....	25 cents
Busses .....	25 cents
Motorcycles .....	05 cents
Passenger car trailers .....	05 cents
Light tractors .....	10 cents
Heavy tractors .....	20 cents

The members of the Bridge Authority as appointed by the Governors of Maine and New Hampshire are as follows:

Representing Maine:

WILLIAM H. HINMAN, Skowhegan, Vice-Chairman  
HOLLIS B. COLE, Kittery, Treasurer  
STILLMAN E. WOODMAN, Machias  
PAUL C. THURSTON, Bethel (resigned)



Representing New Hampshire:

FREDERIC E. EVERETT, Concord, Chairman

FRANK E. BROOKS, Portsmouth,

Clerk and Assistant Treasurer

DOCTOR JAMES J. POWERS, Manchester

The personnel operating the bridge is made up of an executive secretary who acts as manager, a book-keeper, six toll collectors, four bridge operators and a maintenance foreman. During peak loads, substitute toll collectors are used as needed.

The present traffic would indicate that this project will be self-liquidating within the period covered by the life of the bonds.

Respectfully submitted,

FREDERIC E. EVERETT, *Chairman,*

For the Maine-New Hampshire

Interstate Bridge Authority.

On motion of Mr. Osborne of Sunapee at 3:05 o'clock the House adjourned.

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THURSDAY, APRIL 3, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Canty of Portsmouth, Shea of Manchester, Goodrich of Chester, Brennan of Westmoreland, Lake of Brentwood, Delisle of Manchester, Shaheen of Dover, McGowan of Manchester, Betley of Manchester, Dupont of Pembroke, Bell of Plymouth, Kempton of Newport, Dulac of Manchester, Ford of Danbury, Wilcox of Nashua, Sanborn of Enfield, and Mills of Jaffrey were granted leaves of absence for the day on account of important business.

Mr. Clark of Canaan was granted leave of abseneec for the day on account of illness.

Mr. Farwell of Brookline was granted leave of absence Tuesday, April 8, on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 30, An act relating to trust funds.

House Bill No. 179, An act relative to the protection of state and other highways.

House Bill No. 199, An act relating to the expiration date of permits and licenses issued by the state liquor commission.

Senate Bill No. 37, An act relative to state aid for class V highways in certain towns.

House Bill No. 181, An act relative to encroachments on highways.

House Bill No. 274, An act relative to taking brook trout in ponds and lakes in Coos county.

House Bill No. 359, An act naming Deering lake in the town of Deering.

The report was accepted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 163, An act relating to the powers and rights of guardians and conservators, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 109, An act relative to distribution of income from sale of

liquor by state stores, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. O'Shan of Laconia moved that the bill and its accompanying report be laid upon the table and made a special order for Tuesday, April 15, at 11:01 o'clock.

The question being on the motion of Mr. O'Shan.

(Discussion ensued.)

Mr. O'Shan of Laconia spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

Mr. O'Shan of Laconia moved to substitute the words "ought to pass" for the words "inexpedient to legislate"

The question being on the motion to substitute.

(Discussion ensued.)

Mr. O'Shan of Laconia spoke in favor of the motion.

Mr. Sweeney of Ward 2, Nashua, spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. O'Shan of Laconia demanded the yeas and nays, and the roll was called with the following result:

YEAS, 67

ROCKINGHAM COUNTY: Stowe, Currier, Fogg of Deerfield, Berthiaume, Evans of Kensington, Rousseau of Newmarket.

STRAFFORD COUNTY: Webster.

BELKNAP COUNTY: Philbrick of Belmont, O'Shan, Langlois, Roucher, Smith of New Hampton.

CARROLL COUNTY: Grindle, Hill, Wiggin of Conway, Huntress, Nickerson, Knox, Hayes of Tuftonboro.



MERRIMACK COUNTY: Phelps, Moore of Bradford, Coakley, Otis, Lemire, Douphinett, Whittier.

HILLSBOROUGH COUNTY: Bills, Farwell, Morrill, Barry, Bresnahan, Sullivan of Manchester, Connolly, O'Connell, Gorham, Jean, Constant, Provencher, Roy, Adams of Manchester, Egan, Stewart, Carroll, Roukey, Huard, Duval, Lesmerises, Thibodeau of Manchester, Bilodeau, Shea of Nashua, Bouthillier, Bigelow.

CHESHIRE COUNTY: Miller, Callahan, Pelletier.

SULLIVAN COUNTY: ———.

GRAFTON COUNTY: Davison, Morse.

COOS COUNTY: Moffett, Lemieux, Brungot, Christiansen, Ramsey, Dugas, Gagnon, Fogg of Milan, Ashe, Weeks of Stewartstown.

#### NAYS, 275

ROCKINGHAM COUNTY: Tuttle, Corson, Grinnell, Morrison, Fecteau, Bourn, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Keay, Pridham, Patridge, Coleman, Labranche, Prescott, Hobbs, Johnson of Northwood, Sanborn of Nottingham, Palmer, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Redden, Yeaton, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Holmes, Tucker, Barron, Peever, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Jackson, Keenan, Courchene, Hartford, Kennard, Ackroyd, Lucas, Brennan of Dover, Smart of Durham, Longley, Conrad, Hale of Rochester, Beaudoin, Potvin, Studley, Hamel, Habel, Boucher, Nadeau of Somersworth, Coffin, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Brown of Gilmarton, Tarlson, Guay of Laconia, Tilton of Laconia, Ward 3, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Woodman, Rogers.

CARROLL COUNTY: Simpson, Smart of Ossipee, Vittum, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Carter of Boscawen, Morgan, Laird, Veroneau, Davis of Concord, Potter, Fletcher, Nash, Clinton, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Bunten, Matson, Upton, Mayo, Comi, Milburn, Bunker, Maxfield, Riel, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Perkins, Connor, Cloues, Mock, Stuart.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Charois, Gleason, Boynton, Gay of Hillsborough, Lievens, Abbott, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, Frain, Kean, O'Neil, Creighton, O'Brien, Booth, Chevrette, Caron, Getz, Gilmartin, Aubin, Durette, Prince, Rosseau, Daniel of Manchester, Ward 13, Turgeon, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Velishka, Paquette, St. Francois, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Senechal, Thompson, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Hanson, Clark of Harrisville, Robertson, Duncan, Aldrich, Batchelor, Frissell, Lombard, Mason of Keene, Lichman, Duffy, Pickett, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Doucette, Pierce, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hamlin, Beland, Daly, Decker, Delorier, Gaffney, Marcotte, Mercier, Murphy, Witherill, Brigham, Barton, Bailey of Newport, Condon, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Dean, Haley, Oakes, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Barney, Robbins of Thornton, Gilbert, Sawyer.

COOS COUNTY: Mason of Berlin, Smith of Berlin, Evans of Berlin, Lazure, Studd, Bixby, Hayes of Berlin, Seymour, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Chandler, Fraser, Kimball, Cryan of Lancaster, Morris, Marshall, Baldwin, Hutchins, Taylor.

And the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution reported by the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the motion prevailed.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendments as printed in the Journal of April 1st.

(Discussion ensued)

Messrs. Hunter of Hanover and Osborne of Sunapee spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted.

Mr. O'Shan of Laconia offered the following amendment.



Amend section 1 of the printed amendments to House Bill No. 43, by striking out the figures "\$141,010.00" in line 11 of page 40 and inserting in place thereof the figures, \$91,010.00

Further amend by striking out the figures "\$2,368,979.00" in line 24, page 41 and inserting in place thereof the figures \$2,393,979.00.

Further amend by striking out the figures "\$414,500.00" in line 25, page 41 and inserting in place thereof the figures, \$439,500.00.

The question being on the amendment offered by Mr. O'Shan.

(Discussion ensued)

Mr. O'Shan of Laconia spoke in favor of the amendment.

Messrs. Hunter of Hanover and Osborne of Sunapee spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. O'Shan of Laconia demanded the yeas and nays, but subsequently withdrew his demand and asked for a division.

A division being had, 37 members voted in the affirmative, and 254 members voted in the negative, the amendment was not adopted, and the bill was ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 44, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1943, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendments as printed in the Journal of April 1st.

On a *viva voce* vote the amendments were adopted.

Mr. Bresnahan of Manchester offered an amendment.

Amend House Bill No. 44, page 43, line 25, so that \$2,790,825.00 shall read \$3,000,000.00.

Further amend line 37 on same page so that \$1,410,204 shall read \$1,619,379.

The question being on the amendment offered by Mr. Bresnahan.

(Discussion ensued)

Messrs, Bresnahan and Carroll of Manchester, and O'Shan of Laconia and Mrs. Brungot of Berlin spoke in favor of the amendment.

Mr. Hunter of Hanover spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Carroll of Manchester demanded the yeas and nays, but subsequently withdrew his demand, and the bill was ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 162, An act relating to the claim of father and mother to the wages and salary of minors, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 221, An act relating to the filing of reports on estates by executors and trustees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Myhaver of Peterborough, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 358, An act relative to town appropriations for skiing places and facilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 170, An act opening Massasecum lake in Bradford to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 31, An act to open Great Pond in Kingston to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 5, An act making appropriation for the improvement of the mountain road in the town of Canterbury, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 16, Joint resolution providing for improvement of the Crescent Lake road in the town of Acworth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 23, Joint resolution for the improvement of the Black River Road, so-called, in the city of Dover, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 32, Joint resolution for the completion of the main road from West Springfield to New London, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 39, Joint resolution for the construction of the Parker Mountain Road, so-called, in the town of Strafford, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 47, Joint resolution for the improvement of a road in the town of Tamworth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 297, An act relating to primary elections and nomination of candidates, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Blandin of Bath, for the Committee on Judiciary, to whom was referred House Bill No. 233, An act relating to the incompatibility of certain offices, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 362, An act relating to the safety and health of employees, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred Senate Bill No. 27, An act relative to investments by savings banks in fire insurance stock, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred House Bill No. 384, An act to dissolve the People's Saving Bank of Manchester, and to repeal its charter, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred Senate Bill No. 25, An act relating to Trust Companies, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 10, An act relating to taking of brook trout from Sky pond in New Hampton, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 3, An act authorizing the city of Portsmouth to provide pensions for certain employees of the public schools, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 283, An act relative to accounts of administrators and executors, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting in the seventh and sixteenth lines after the word "beneficiaries" the words, if known to him, so that said section as amended shall read as follows:

1. *Administrators and Executors.* Amend section 26 of chapter 300 of the Public Laws (section 26, chapter 344, commissioners report) by adding at the end thereof the following: At the time of filing said account in the probate court, the administrator and executor shall send notice by registered mail of such



filing, on forms furnished by the register, to each of the heirs, legatees and beneficiaries, if known to him, so that said section as amended shall read as follows:

26. *Filing Account.* Every administrator and executor, before giving notice to settle his account, shall file it in the probate office of the county where it is to be settled, and shall cause the fact of such filing to appear in the notice, and shall at the same time file a statement of the names and residences of the heirs, legatees and beneficiaries, if known to him. At the time of filing said account in the probate court, the administrator and executor shall send notice by registered mail of such filing, on forms furnished by the register, to each of the heirs, legatees and beneficiaries, if known to him.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 262, An act relating to the practice of dentistry, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the second and twenty-sixth lines the following, "class A" and inserting in place thereof the word, general, so that said section as amended shall read as follows:

1. *Practice.* Amend section 18, chapter 205, of the Public Laws, by adding at the end thereof the following: or a general hospital, and under the supervision of a registered dentist, so that said section as amended shall read as follows:

18. *Practice.* A person shall be registered as practicing dentistry within the meaning of this chapter who shall treat or profess to treat any of the diseases or lesions of human teeth or jaws, or extract human teeth or shall prepare or fill cavities in human

teeth, or correct the malposition of human teeth, or supply artificial teeth as substitutes for natural human teeth, or administer anæsthetics or use or prescribe drugs and other remedies in connection with any such work; provided, that nothing herein shall prevent regularly licensed physicians or surgeons from extracting human teeth or administering anæsthetics, or using or prescribing drugs and other remedies; nor shall it prevent students from performing dental operations under the supervision of competent instructors within a dental school, college or dental department of a university recognized by said board or a general hospital and under the supervision of a registered dentist.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 13, An act relating to support of children, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole section and inserting in place thereof the following:

1. Amend section 15 of chapter 287 of the Public Laws by striking out the whole section and inserting in place thereof the following. 15. *Support of Children.* In all cases where there shall be a decree of divorce or nullity, the court shall make such further decree in relation to the support, education and custody of the children as shall be most conducive to their benefit, and may order a reasonable provision for their support and education.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House

Bill No. 115, An act to make uniform the law of warehouse receipts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 14 by striking out in the second line the words, "a court of competent jurisdiction" and inserting in place thereof the words, the superior court; further amend by striking out in the eighth and ninth lines the words, "the court may also in its discretion order the payment of a warehouseman's reasonable costs and counsel fees," so that said section as amended shall read as follows:

14. *Lost or Destroyed Receipts.* Where a negotiable receipt has been lost or destroyed, the superior court may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The delivery of the goods under an order of the court as provided in this section shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Amend section 25 by striking out in the sixth and seventh lines the word, "garnishment," and inserting in place thereof the words, trustee proceedings, so that said section as amended shall read as follows:

25. *Attachment or Levy Upon Goods for Which Negotiable Receipt Has Been Issued.* If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can-



not thereafter, while in the possession of the warehouseman, be attached by trustee proceedings or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Amend section 26, by striking out in the third line the words, "courts of appropriate jurisdiction," and inserting in place thereof the words, the superior court, so that said section as amended shall read as follows:

26. *Creditors' Remedies to Reach Negotiable Receipts.* A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from the superior court, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Amend the second paragraph of d, section 33, by striking out in the thirty-sixth line the word "ten" and inserting in place thereof the word, fifteen; further amend by striking out in the thirty-seventh line the word "six" and inserting in place thereof the word, two, so that said paragraph as amended shall read as follows:

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the

goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least fifteen days before such sale in not less than two conspicuous places therein.

Amend section 50 by striking out the whole of said section and inserting in place thereof the following:

50. *Issue of Receipt for Goods Not Received.* A warehouseman, or any officer, agent, or servant of the warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of an offense and upon conviction shall be punished for each such offense by imprisonment not exceeding three years, or by a fine not exceeding five thousand dollars, or both.

Amend section 51 by striking out the whole of said section and inserting in place thereof the following:

51. *Issue of Receipt Containing False Statement.* A warehouseman, or any officer, agent or servant of a warehouseman who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of an offense, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

Amend section 52 by striking out the whole of said section and inserting in place thereof the following:

52. *Issue of Duplicate Receipts Not so Marked.* A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding three years, or by a fine not exceeding five thousand dollars, or both.

Amend section 53 by striking out the whole of said section and inserting in place thereof the following:

53. *Issue for Warehouseman's Goods of Receipts Which Do Not State That Fact.* Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of an offense, and upon conviction, shall be punished for each such offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

Amend section 54 by striking out the whole of said section and inserting in place thereof the following:

54. *Delivery of Goods Without Obtaining Negotiable Receipt.* A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the



possession of such receipt at or before the time of such delivery, shall except in the cases provided for in sections 14 and 36 be guilty of an offense, and upon conviction shall be punished for each such offense by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars, or both.

Amend section 55 by striking out the whole of said section and inserting in place thereof the following:

55. *Negotiation of Receipts for Mortgaged Goods.* Any person who deposits goods to which he has no title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of an offense, and upon conviction, shall be punished for each such offense by imprisonment not exceeding one year, or by a fine not exceeding five hundred dollars, or both.

Amend section 61 by striking out the whole of said section and inserting in place thereof, the following:

61. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendments having commenced, on motion of Mr. Matson of Concord further reading was dispensed with.

The question being on the amendments.

(Discussion ensued)

Mr. Matson of Concord spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

Mr. Reil of Franklin, for the Committee on National Affairs, to whom was referred the concurrent resolution regarding first Thanksgiving Day Proclamation,

reported the same with the recommendation that the resolution ought to pass.

The report was accepted, and the concurrent resolution ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 1, An act relating to the Finance Commission of Manchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Lesmerises of Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Lesmerises of Manchester spoke in favor of the motion.

Mr. Wiggin of Manchester spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Lesmerises of Manchester asked to be recorded as voting in favor of the motion.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 206, An act relating to the sale of beverages on election days after the polls are closed, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 52, An act relating to highways.

House Bill No. 172, An act relative to office hours for state employees.

House Bill No. 180, An act relative to the protection of state and other highways.

House Bill No. 201, An act to change the name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester.

House Bill No. 335, An act relating to fish and game.

House Bill No. 336, An act relative to taking brook trout.

House Bill No. 339, An act providing for a state council of defense.

House Bill No. 340, An act establishing a state guard.

House Bill No. 357, An act relating to special meetings of county conventions.

House Bill No. 364, An act to make uniform the law with reference to disposition of property where there is no sufficient evidence that persons died otherwise than simultaneously.

House Bill No. 374, An act legalizing certain action taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 2, Joint resolution in favor of Millard Kidder.

Amend the joint resolution by striking out all after



the enacting clause and substituting therefor the following:

That the sum of fifteen hundred and sixty dollars (\$1560) be and hereby is allowed and appropriated to compensate Millard Kidder, of Lebanon, for injuries suffered by him while working for the state highway department on a sand bank in West Lebanon on February 15, 1939. The sum hereby appropriated shall be paid to said Millard Kidder as follows: the sum of six hundred dollars (\$600) upon passage of this resolution, and the sum of five dollars (\$5) per week for one hundred and ninety-two weeks. The sum hereby appropriated shall be a charge upon the highway funds, shall be in full settlement of the above claim, and shall be in addition to the compensation heretofore allowed said Millard Kidder from the Highway Department for said injuries.

On motion of Mr. Osborne of Sunapee, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 260, An act relating to licenses of kennels.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Owners of Dogs Under Kennel Licenses.* Amend section 10 of chapter 150 of the Public Laws, as amended by chapter 61, Laws of 1927 (section 10, chapter 176, commissioners report) by adding after

the word "dollars" in the ninth line the words, provided that if the number of dogs owned by such licensee exceeds twenty-five there shall be an additional fee of one dollar for each dog in excess of twenty-five, so that said section as amended shall read as follows:

10. *Kennels; Breeders.* The owner or keeper of five or more dogs, and any breeder of dogs, shall annually on or before April thirtieth procure a license authorizing him to keep such dogs upon the premises described in the license or off the premises while under his control. If the number of dogs does not exceed five, the fee for such license shall be twelve dollars; if the number exceeds five and does not exceed ten, the fee shall be twenty dollars, and if the number exceeds ten, the fee shall be twenty-five dollars, provided that if the number of dogs owned by such licensee exceeds twenty-five there shall be an additional fee of one dollar for each dog in excess of twenty-five. No fee shall be required for the dogs of such owner or keeper which are under the age of three months; and for dogs becoming three months of age after May first, or which may be brought from without the state after May first, the fee shall be such proportionate sum for licenses as the remaining portion of the year bears to the sum required for a license for a whole year. The provisions of sections 6, 7, and 9 hereof shall not apply to licenses under the provisions of this section.

2. *Takes Effect.* This act shall take effect as to the licensing of dogs on or before April thirtieth, 1942.

On motion of Mr. Guay of Laconia the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Commit-

tee on Engrossed Bills, to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 336, An act relative to taking brook trout.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Provisions for Taking Brook Trout.* Amend chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, and as amended by chapters 192 and 193 of the Laws of 1939 (chapter 236, commissioners report) and as further amended by chapter 38, Laws of 1941, by striking out sections 1 to 9, inclusive.

Further amend said section of said bill by striking out the word "two" in the eighth line and inserting in place thereof the word three.

Further amend said section of said bill by striking out the words "2. *Closed to all Fishing.* In the waters named in section 2 of chapter 201 of the Public Laws, as herein amended, open to fly fishing only" and inserting in place thereof the words: In the waters named in this section.

Further amend said section of said bill by inserting the following:

3. *Coos County.* Brook trout not less than six inches in length may be taken and possessed from May fifteenth to September first, and during the month of September by the use of artificial flies only, in the ponds and lakes in Coos county.

Further amend said section 1 of said bill by striking out the figure "3" and inserting the figure 4, by striking out the figure "4" and inserting in place thereof the figure 5, and by striking out the words and figures "sections 1, 2 and 3 hereof" and inserting in place thereof the words, the preceding sections of this chapter.



On motion of Mr. Guay of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 30, An act relating to plumbing.

#### **Senate Bill Read and Referred**

Senate Bill No. 30, An act relating to plumbing.

Read a first and second time and referred to the Committee on Revision of the Statutes.

#### **Resolution**

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10:00 o'clock and that when it then adjourns, it adjourns to meet Tuesday morning 11:00 o'clock.

#### **Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, and resolution by its caption were made in order.

Concurrent resolution regarding first Thanksgiving Day Proclamation.

House Bill No. 3, An act authorizing the city of Portsmouth to provide pensions for certain employees of the public schools.

House Bill No. 10, An act relating to taking of brook trout from Sky pond in New Hampton.

House Bill No. 13, An act relating to support of children.

House Bill No. 43, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1942.

House Bill No. 44, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1943.

House Bill No. 115, An act to make uniform the law of warehouse receipts.

House Bill No. 206, An act relating to the sale of beverages on election days after the polls are closed.

House Bill No. 262, An act relating to the practice of dentistry.

House Bill No. 283, An act relative to accounts of administrators and executors.

House Bill No. 384, An act to dissolve the People's Savings Bank of Manchester and to repeal its charter.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 25, An act relating to trust companies.

Senate Bill No. 27, An act relative to investments by savings banks in fire insurance stock.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Cooper of Nashua at 1:40 o'clock the House adjourned.

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SATURDAY, APRIL 5, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 5, 1941.

Mr. Ben O. Aldrich,  
Keene, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARED,  
*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 8, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Brennan of Westmoreland, Myhaver of Peterborough, Anderson of Manchester, Merrill of Plymouth, and Bell of Plymouth were granted leaves of absence for the day on account of important business.

Mr. Wiggin of Conway was granted leave of absence for the day on account of illness.

Mr. Tilton of Laconia, Ward 4, was granted leave of absence for the day on account of court duty.

Mr. Getz of Manchester was granted leave of absence for Wednesday and Thursday on account of important business.

Messrs. O'Shan of Laconia, Pelletier of Keene, and Goodrich of Chester were granted leave of absence for the week on account of important business.

Mr. Peever of Salem was granted leave of absence for Wednesday on account of important business.



Mr. Bigelow of Pelham was granted leave of absence for Thursday on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 2, An act relative to filing of declarations as to qualifications for holding office of representative or senator.

Senate Bill No. 4, An act relative to duties of town clerks and supervisors of the checklists.

Senate Bill No. 22, An act relative to registration of motor vehicles by persons entering the military service of the United States for national defense.

House Bill No. 50, An act relating to nomination of officers in the city of Nashua.

House Bill No. 66, An act prohibiting the obstructing of driveways.

House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons.

House Bill No. 159, An act relating to method of voting at municipal elections in the city of Nashua.

House Bill No. 172, An act relative to office hours for state employees.

House Bill No. 180, An act relative to the protection of state and other highways.

House Bill No. 260, An act relating to kennel licenses.

House Bill No. 279, An act relative to ward lines in the City of Manchester.

House Bill No. 285, An act relative to sessions for registrars of voters in the city of Portsmouth.

House Bill No. 335, An act relating to fish and game.

House Bill No. 336, An act relative to taking brook trout.

House Bill No. 356, An act authorizing the Milan School District in the town of Milan to issue notes or bonds and legalizing a meeting of the Milan School District.

House Bill No. 361, An act authorizing the town of Deerfield to issue refunding notes or bonds.

House Bill No. 364, An act to make uniform the law with reference to disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously.

House Bill No. 374, An act legalizing certain action taken at the annual town meeting held on the eleventh day of March, 1941, in the town of Enfield.

House Bill No. 339, An act providing for a state council of defense.

House Bill No. 340, An act establishing a state guard.

House Bill No. 341, An act to protect against sabotage.

House Bill No. 342, An act relating to explosives.

House Joint Resolution No. 2, Joint resolution in favor of Millard Kidder.

The report was accepted.

### **Petition Presented and Read**

Presented by Mr. Condon of Newport.

Petition from 500 citizens from the southwestern section of the state, urging passage of House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

### **Committee Reports**

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 14 (in new draft), An act relating to insurance companies, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 14 (in new draft), An act relating to insurance companies, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

CHARLES P. COAKLEY,  
*A Minority of the Committee.*

The report was accepted.

Mr. Coakley of Concord moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Coakley, Osborne and Potter of Concord, and Duncan of Jaffrey spoke in favor of the motion.

Messrs. Peever of Salem, Noyes of Bethlehem, Cilley of Exeter, Frissell of Keene, Blandin of Bath, and Tarbox of Marlboro and Mrs. Cooper of Nashua spoke against the motion.

Mrs. Caron of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute the report of the minority for that of the majority.

Mr. Coakley of Concord demanded the yeas and nays.

The roll having commenced, Mr. Coakley of Concord withdrew his demand for the yeas and nays.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the recommendation of the committee, that the bill ought to pass.



On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

PERKINS BASS,  
GEORGE H. GRINNELL,  
GEORGE H. DUNCAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Duncan of Jaffrey moved to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Grinnell of Derry spoke in favor of the motion.

Messrs. St. Francois of Nashua, Blandin of Bath, Condon of Newport, Wiggin of Manchester and Gay of Hillsborough spoke against the motion.

Mr. Gay of Hillsborough moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Bass of Peterborough asked for a division.

A division being had 104 members voted in the affirmative and 243 members voted in the negative and the motion to substitute did not prevail.

The bill was ordered to the Committee on Appropriations under the rules.

Mr. Hamilton of Lisbon for the Committee on Judiciary, to whom was referred House Bill No. 77, An act relating to jurors, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The question being on the recommendation of the committee, that the bill ought to pass.

(Discussion ensued)

Mrs. Dondero of Portsmouth spoke in favor of the question.

Mr. Chase of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Chase and Carter of Manchester and Mrs. Bourne of Exeter spoke in favor of the motion.

Messrs. Wadleigh of Milford, Keay of Kingston, Atherton of Nashua, and Mills of Jaffrey and Mrs. Otis of Concord spoke against the motion.

Mr. Cormier of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion prevailed.

Mrs. Dondero of Portsmouth asked for a division.

A division being had 265 members voted in the affirmative and 84 members voted in the negative, the motion to indefinitely postpone prevailed.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 67, An act relating to the open season for taking deer in Carroll County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Fisheries and Game, to whom was referred House Bill No. 67, An act relating to the open season for taking deer in Carroll County, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

HAROLD E. HALEY,  
LESLIE C. HILL,  
SEELY W. PHILBRICK,  
PERLEY C. KNOX,  
EARL T. BURBY,

*A Minority of the Committee.*

The report was accepted.

Mr. Hill of Conway moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs Hill of Conway and Knox of Sandwich spoke in favor of the motion.

Messrs. Cotton of Barnstead and Morse of Warren spoke against the motion.

Mr. Potter of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was



ordered. The question being on the motion to substitute.

Mr. Knox of Sandwich asked for a division.

A division being had 116 members voted in the affirmative and 179 members voted in the negative, the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the motion prevailed.

Mr. Osborne of Concord for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 5, An act relative to dimming motor vehicle headlamps, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Cryan of Lancaster moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Cryan of Lancaster and Hayes of Barrington spoke in favor of the motion.

Messrs. Osborne of Concord, Hayes of Rochester and Carter of Manchester spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 141, An act prohibiting certain employment of elected city officials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. Amend chapter 54 of the Public Laws by inserting after section 2 the following new sections:

2a. *Prohibition.* No publicly elected official of a city (except school district officers) who as such official is authorized to appropriate or expend public funds shall be employed during the term for which he is elected, by any department, board, or commission of the city in any other capacity or in any other position of employment where compensation is allowed; except in cases where under the present laws such employment is specifically mentioned and permitted.

2b. Upon acceptance of any such prohibited employment by such official his office shall forthwith become vacant and shall be filled as provided by law.

2c. Any provision of any city charter, except present provisions specifically mentioning and permitting certain employment, inconsistent with the provisions hereof, is hereby repealed to the extent of such inconsistency.

2. *Saving Clause.* This act shall not affect any present publicly elected city official until the term of office for which such official has been elected expires.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with rule 48.

Mr. Osborne of Sunapee for the Committee on Appropriations, to whom was referred House Bill No. 354, An act providing for a deficiency appropriation for aid to needy blind, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate. Subject matter covered by budget bills.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 202, An act to open Gorham Pond in Dunbarton to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Sunapee for the Committee on Appropriations, to whom was referred House Joint Resolution No. 42, Joint resolution for a memorial to Major Benjamin Whitcomb, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Osborne of Sunapee for the Committee on Appropriations to whom was referred House Bill No. 317, An act to provide for the publication and distribution of the revised laws of the state of New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Collins of Lisbon for the Committee on Forestry and Recreation, to whom was referred Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect in the town of Lancaster as a memorial to John Wingate Weeks, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill was ordered to a third reading.



Mr. Shedd of New Boston for the Committee on Fisheries and Game, to whom was referred House Bill No. 220, An act relating to bait and fly fishing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bailey of Lyme for the Committee on Claims, to whom was referred House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Bailey of Lyme for the Committee on Claims, to whom was referred House Joint Resolution No. 48, Joint resolution in favor of George H. Reed, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Wyman of Candia for the Committee on Judiciary, to whom was referred House Bill No. 72, An act relating to sales; investments by trustees of estates, reported the same in a new draft with the recommendation that the bill in its new draft ought to pass.

The report was accepted.

The bill in its new draft was read a first and second time and laid upon the table to be printed in accordance with rule 48.

Mr. Bailey of Lyme for the Committee on Claims, to whom was referred House Joint Resolution No. 45, Joint resolution in favor of Fred Bergeron of Keene, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of six hundred forty-eight dollars and seven cents (\$648.07) be and hereby is appropriated to compensate Fred Bergeron of Keene for expenses and permanent disability in connection with injuries to the hand of his son, Howard Bergeron, caused while operating a printing press at the Keene Teachers' College on March 28, 1939, as follows: five hundred dollars (\$500.) to Fred Bergeron; fifty-four dollars to John J. Broshahan, M. D.; thirty-five dollars to Robert M. Holmes, M. D.; and fifty-nine dollars and seven cents to Elliot Community Hospital. The governor is hereby authorized to draw his warrant upon any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 156, An act relating to the New Hampshire water resources board, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section one thereof.

Further amend by renumbering sections 2, 3, and 4, sections 1, 2, and 3 respectively.

Further amend section 2 as amended by changing the period at the end thereof to a comma and adding thereto the following: but not including any part of the salaries of the directors of the corporation. Provided however, that nothing contained in this section shall be construed as altering or affecting any of the provisions of chapter 141 of the Public Laws (Chapter 164, Commissioners' Report) pertaining to the powers and duties of the state Board of Health respecting water supplies and sewage disposal. , so that the same

shall read as follows: 2. *Aid to Towns*. Amend Chapter 121 of the Laws of 1935 (Chapter 257 of the Revised Laws, Commissioners' Report) by adding at the end thereof the following new section: 24. *Assistance to Towns*. Upon receiving a request therefor, from the governing body of any town or village district, the board may furnish engineering, technical, and other assistance, service and advice to such town or village district in furtherance of projects, plans or matters relating to flood control, water conservation, water supply, sewage disposal, and the development, storage, distribution, purification or utilization of water resources. The town or village district receiving such assistance, service and advice shall reimburse the corporation for the reasonable cost of the same, but not including any part of the salaries of the directors of the corporation. Provided however, that nothing contained in this section shall be construed as altering or affecting any of the provisions of chapter 141 of the Public Laws (Chapter 164, Commissioners' Report) pertaining to the powers and duties of the State Board of Health respecting water supplies and sewage disposal.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Baldwin of Pittsburg spoke against the amendment.

Mr. Upton of Concord spoke in favor of the amendment.

Mr. Baldwin of Pittsburg moved that the bill with the amendment pending be laid upon the table.

The question being on the motion of Mr. Baldwin.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment.



On a *viva voce* vote the amendment was adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 396, An act to authorize restricted branch banking, with the recommendation that the bill be referred to the Committee on Banks.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Banks.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 397, An act relative to the Fish and Game Department and activities thereof, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 398, An act relative to enforcement of the provisions of the barber law, with the recommendation that the bill be referred to the Committee on Public Health.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Health.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 399, An act providing for an open season for taking elk, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 60, Joint resolution making appropriation for the Y.D. convention to be held in the city of Manchester, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Motor Vehicle Financial Responsibility.* Amend section 3 of chapter 161 of the Laws of 1937 (section 3, chapter 122, commissioners' report) by striking out said section and inserting in place thereof the following: 3. *Proof Required.*

Further amend said section 1 by striking out the twelfth, thirteenth and fourteenth lines and inserting in place thereof the following:

the registration certificates of any motor vehicle, trailer or semi-trailer registered in the name of such person and require the surrender of the registration plates of any such vehicle, unless and until such person gives and thereafter

Amend section 2 of said bill by striking out the first two lines and inserting in place thereof the following:

2. *Exceptions.* Amend section 9 of said chapter 161 (section 8 of said chapter 122) by striking out said section and

Amend section 3 of said bill by striking out the date "July 14" and inserting in place thereof the date, September 1.

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 25, An act relating to trust companies, having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by adding after the word "following" in the third line the word and figure: 6. *Reserves.*

Further amend said section 1 by striking out the words "for the incorporation of trust companies" and inserting in place thereof the words, of trust company incorporation.

On motion of Mr. Atherton of Nashua, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 27, An act relative to investments by savings banks in fire insurance stock, reported the same, under Joint Rule No. 6, with the following amendment, and the



recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Legal Investments for Saving Banks.* Amend section 12, chapter 262, Public Laws (section 12, chapter 301, commissioners' report) by adding after paragraph XIV, as amended by section 22, chapter 122, Laws of 1929, the following new paragraph: XIV-a. *Fire Insurance Stock.* The dividend-paying capital stock of senior preference of any fire insurance company incorporated in the United States outside of New Hampshire, and licensed to do business as a fire insurance company under the laws of this state, having a total capital stock of not less than two million dollars and surplus of not less than one and one-half times the amount of the unearned premiums; provided that such company has been doing business at least ten years and has paid a dividend in each of the five years next preceding such investment. If any such company has only one class of stock outstanding the class shall be considered stock of senior preference for the purposes hereof.

On motion of Mr. Atherton of Nashua, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 124, An act relating to the power of a county delegation to investigate, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first

eight lines and inserting in place thereof the following:

1. *Powers of County Conventions.* Amend section 7, chapter 35 of the Public Laws (section 9, chapter 44, commissioners' report) by striking out said section and inserting in place thereof the following: 7. *Investigations.* The county

On motion of Mrs. Banfield of Moultonborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 155, An act limiting the claims of creditors against the real estate of deceased persons.

House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes.

House Bill No. 285, An act relative to sessions for registrars of voters in the city of Portsmouth.

House Bill No. 342, An act relating to explosives.

House Bill No. 356 (in new draft and new title), An act authorizing the Milan School district in the town of Milan to issue notes or bonds and legalizing a meeting of the Milan School district.

House Bill No. 361, An act authorizing the town of Deerfield to issue refunding notes or bonds.

House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church.

House Bill No. 372, An act to amend the charter

of the New Hampshire Annual Conference of the Methodist Church.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 39, An act relating to reissuance of certain Carroll county refunding bonds.

### **Senate Bill Read and Referred**

Senate Bill No. 39, An act relating to reissuance of certain Carroll county refunding bonds.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mr. Blandin of Bath the House adjourned from the morning session.

### **Afternoon**

The House was immediately called to order in afternoon session.

### **Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles and joint resolution by its caption made in order.

House Bill No. 14 (in new draft), An act relating to insurance companies.

House Bill No. 220, An act relating to bait and fly fishing.

House Bill No. 317, An act to provide for the publication and distribution of the revised laws of the state of New Hampshire.

House Joint Resolution No. 42, Joint resolution for a memorial to Major Benjamin Whitcomb.

Severally read a third time and passed, and sent to the Senate for concurrence.



Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect in the town of Lancaster as a memorial to John Wingate Weeks.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Banfield of Moultonborough at 3:23 o'clock the House adjourned.

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WEDNESDAY, APRIL 9, 1941.

The House met at 11:00 o'clock.

Prayer was offered by the Chaplain.

**Joint Convention**

His Excellency, the Governor, appeared and delivered the following message:

**CAPITAL BUDGET MESSAGE**

I am appearing before you upon a mission which I believe is unique in the experience of the General Court of New Hampshire. I come to discuss with you a new document which is exactly what its title proclaims it to be—A Capital Budget.

This capital budget supplements the general budget which I submitted on January 14th. The former was a budget required to be submitted under Chapter 171 of the Laws of 1931. It provided for the expenditures estimated and recommended for the conduct of the several departments of the state for the next biennium. It covered salaries, supplies, equipment, and other items which make up the day to day needs of the departments. A small part of this budget normally provided for purposes of a capital nature. The items included under this heading were small.

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Major capital items involving expenditures of considerable amounts of money did not appear in the current budgets, but were appropriated for by special acts passed by the General Court. These appropriation acts which authorized money to be spent and bonds to be issued therefor were usually unrelated to each other and bore no relation to the general budget of the state.

We have passed through a period in the past five or six years when expansion of facilities and extensive new construction was perhaps justified. This period saw increasing capital investments at our state institutions and to meet the needs of housing of our military establishment and our state departments.

Impetus to this program was given by the need for creating employment and by the opportunity of taking advantage of federal grants in aid of construction. I believe that the peak of this sort of expansion has passed at least for the present. Defense pressures and the effect of the war in Europe are forcing boom conditions upon us and creating around us a stimulated prosperity. With the passing of the emergency of our long protracted depression, we are confronted with the need for most careful consideration of our institutional and departmental needs, as well as our ability to pay for improvements, in the face of mounting demands arising from tax burdens created by defense spending.

### Departmental Requests

In assembling the information upon which the capital budget is based, I have asked the heads of the several departments and institutions to look forward into the future and examine their needs within a reasonable range of time in the light of the intimate knowledge which they possess. No damper or limitation was placed upon the listing of their needs because I felt that a free expression of their opinions was de-

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sired without any attempt on their part to shape their requests to meet what I might deem desirable and necessary or within our ability to finance.

Accordingly the requests were sought from the several departments and institutions and a compilation of all the requests was made. The total of the items so submitted was \$2,232,184. Certain of these items were spread through the next three bienniums, totaling in each biennium as follows:

1941-1943 .....	\$312,085
1943-1945 .....	\$323,380
1945-1947 .....	\$216,400

In making up the list which I am submitting as a part of this budget I have arbitrarily eliminated a number of these requested items, totalling \$1,130,319 in amount. There were two main reasons for this elimination—first: the projects were of such a nature that they probably should not be considered within the next three bienniums and, second: the desirability of the projects was affected by questions relating to major policies, which were either now under consideration, or which I have in mind for study and consideration between this time and the time when the next legislature convenes, when the legislature might profitably consider the establishment of a capital budget procedure by statute.

The schedule of projects which is herewith presented, thus represents those which appear to me to be logical for consideration within the next three bienniums. I am, however, recommending only those which I believe should be considered for execution within the next two fiscal years. These items I propose to discuss in detail later in this message. The projects which are listed for consideration in the two



subsequent bienniums will, of course, be passed upon and determined by the legislatures which make appropriations for the respective bienniums. Thus the program which I am recommending to you does not contemplate the fixation of items beyond the two years for which I as Governor, and you as the Legislature, have financial responsibility, but leaves a flexible program which each successive legislature should consider in the light of the conditions existing at the time it is holding its session. This legislature will have before it the estimated needs of the next two bienniums as a background against which to view the items it may be called upon to consider.

#### **Studies to be made Relating to Future Program and Policies**

In the period of time which will elapse between this budget message and the next one relating to capital needs, I am planning to have made several studies which relate to, and which are the keys to the solution of the future problems allied with our capital needs. I am asking the Research and Planning Division of the State Planning and Development Commission, and the Comptroller to undertake a study of the needs of our institutions as related to the functions which the institutions perform, in order that consideration of requests for money for structures and improvements may be considered with the knowledge of the future scope of the institution before us. These studies could not be completed before the arrival of the time when this capital budget should be submitted to you, but with a long range purpose in view, I am advising you that two years from now, you will be better able to form your judgments concerning capital outlays, than is possible today.

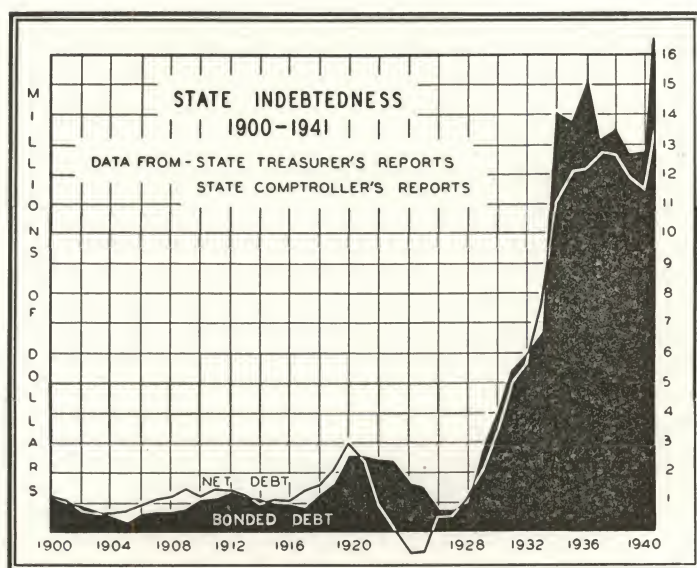
### **Advantages of Capital Budget**

The Capital Budget:

- (1) Levels out the emphasis on certain projects. It is recognized that certain projects have more popular appeal than others which may be equally valuable.
- (2) Equalizes the effectiveness with which the arguments of each department or institution are presented.
- (3) Enables the whole picture of state needs to be in view when consideration of individual appropriations is made.
- (4) Levels out the bunching of projects which distort the financial situation and enables timing of projects to prevent over-load during certain years.
- (5) Makes possible a timing of public works to fit economic conditions.
- (6) More closely relates program of construction to policies laid down, in that if a project bears upon or relates to a policy, all of the steps in that policy relating to construction can be visualized at the time an appropriation for a single project is being considered.
- (7) Enables a consideration of first things first.

### Financing of Capital Investment

It is futile for us to think of a capital budget without giving careful consideration to how we are to meet the payments which the acquisition of these capital projects will bring upon us. In the budget message which I presented to the General Court on January 14th, I endeavored to paint a picture of our financial situation in respect to debt in terms which might readily be understood. Because it applies with equal force and with equal timeliness to a capital budget, as well as the general budget of the state, I am going to restate the situation in this message.



We have as of March 31, 1941, at present a net bonded debt of \$13,924,193. Our gross bonded debt is \$15,821,000 and to offset this we have available to meet this debt \$1,946,806. The difference is our net bonded debt. The payments which are scheduled as



of April 9, 1941, to be made on this bonded debt total annually as follows:

Year	Payments on Principal Total	Highways, Toll Bridges and Other Special Purposes	General Sinking Fund Purposes
1942 . . . .	\$1,765,000	\$1,145,000	\$625,000
1943 . . . .	1,517,000	1,015,000	502,000
1944 . . . .	1,495,000	985,000	510,000
1945 . . . .	1,569,000	1,035,000	534,000
1946 . . . .	1,165,000	935,000	230,000
1947 . . . .	780,000	560,000	220,000
1948 . . . .	770,000	560,000	210,000
1949 . . . .	1,415,000	1,160,000	255,000
1950 . . . .	1,115,000	860,000	255,000
1951 . . . .	940,000	695,000	245,000
1952 . . . .	1,385,000	1,165,000	220,000
1953 . . . .	1,385,000	1,165,000	220,000

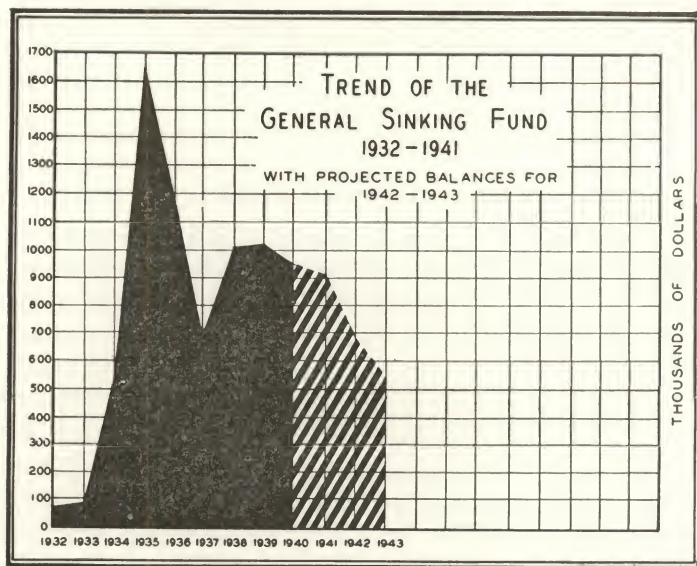
### General Sinking Fund

We have, as you all know, what is called the General Sinking Fund. Into this fund goes all of the unrestricted revenue of the state from the following sources: Estate taxes, interest on estate taxes, gas and electric utilities tax, pari mutuels and breakage, and revenue from our liquor control system. From this fund the maturities of bonds are paid as well as interest upon the bonds, and under recent legislatures it has been the practice to draw upon the sinking fund for varying amounts of money to meet the demands of the day to day operations of the government. The call upon the sinking fund for this share of our funds for general government has been as follows:

Fiscal Year	Bond and Interest Payments	Income	Withdrawals for Budget		Net Decrease or Increase
1932	\$198,708.76	\$253,697.06	.....	+	\$54,988.30
1933	306,915.00	329,999.86	.....	+	23,084.86
1934	564,386.64	1,024,703.04	.....	+	330,316.40
1935	697,208.33	1,814,779.37	.....	+	1,117,571.04
1936	761,386.74	1,302,329.89	\$1,000,000.00	—	459,056.85
1937	696,759.99	1,672,197.91	1,500,000.00	—	524,562.08
1938	306,915.00	329,999.86	.....	+	23,084.86
1939	887,429.74	1,849,465.77	950,000.00	+	12,036.03
1940	733,184.83	2,293,536.77	1,625,000.00	—	64,648.06

### Ability of the State to Finance Public Improvements

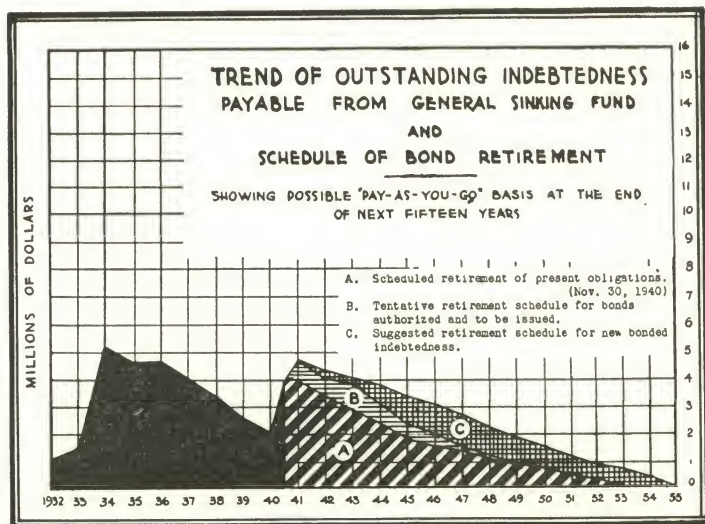
The state receives annually into its General Sinking Fund approximately \$2,300,000. There has been a decline in the balance of the General Sinking Fund since 1936. It appears we have stretched our financing of



current operations of the state from this source to practically the ultimate limit, and we will have to reduce somewhat the amount we can transfer from the General Sinking Fund to the general funds of the

state because of maturing obligations during the next few years at least.

Any attempt to "pay as you go" under these circumstances is impossible at the present time. However, if during the next 10 to 15 years we authorize on the average no more than half as much in new obligations as we are called upon to pay for old maturing obligations, it will be possible to reach a point where the state can reasonably consider a "pay as you go" program. While such a program would not lessen



the initial cost of projects, it would eliminate interest payments which now average \$75,000 per year, and which amount to more than 12 per cent of the average amount we now pay for amortization each year. The additional funds thus available could be applied to financing the operating costs of the state or additional public improvements which may be desirable.

The list of improvements I am recommending for the next biennium totals \$562,085, or an average of



about \$280,000 per year. Of this total \$250,000 is for projects at the State Hospital and Laconia State School already covered by bond authorization, leaving a total of \$312,085 of new bond authorization necessary. Compared with our scheduled debt retirement (for purposes other than highways and other special projects) of \$1,125,000, it will be seen that this effects a reduction in the net bonded debt of \$812,915, and inaugurates the policy I have just outlined. A relatively modest program which meets only the most imperative needs is, to my mind, especially sound in the light of present conditions, and is all that I believe we can afford to spend during the coming biennium.

There exists no magic formula with which we can conjure money out of thin air. We have at the present time only the sources to draw upon which I have described. If we go beyond the amount of the program I have indicated, there may be serious doubts about the future soundness of our financial position.

### Recommendations

The projects which are included in the recommended capital budget which I am presenting are those which are to be financed from the General Sinking Fund of the state. Such projects as are financed from highway funds or other earmarked revenue are omitted. Two self liquidating projects which are now under consideration by the House, namely the proposed Hampton River Bridge and the Hampton Sea Wall are included in House Bills No. 344 and 345.\* I have recommended passage of these two measures.

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\* House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 345, An act providing for the construction of a sea wall, situated in the town of Hampton, between Haverhill Street and a point opposite the Ashworth Hotel.

### **New Hampshire State Hospital and Laconia State School**

Regarding the New Hampshire State Hospital and Laconia State School, there is a difference between the two groups of persons for whom the N. H. State Hospital and the Laconia State School provide care. Fundamentally the N. H. State Hospital received persons without regard to age who were normal at one time in their lives but who through various causes are suffering from one form or another of mental disease. They may or may not be subject to cure and recovery. In general the Laconia State School provides for children who have never been normal and who were handicapped from birth by mental deficiencies. They may be taught some things dependent on the extent of deficiency.

Under the plan by which the School for years has been operated, admission and retention was limited to females to the age of forty-six and males to the age of twenty-one. Thus we have built up two institutions which have had these fundamental distinctions with regard to the type of person which they were to care for. I do not mean to imply that the line between the two has been sharply defined, for there now are people at the N. H. State Hospital who under the plans for the institutions could, if facilities permitted, be transferred to Laconia. At the present time there are at the N. H. State Hospital about fifty persons within the age limits of the Laconia State School, who could and probably should be transferred to the latter institution.

The Legislature of 1939 under Chapter 221 appropriated money for mechanical and structural improvements principally at the N. H. State Hospital and providing for a dormitory at the Laconia State School. The act said, and I here quote from it, "feeble minded adults may, with the approval of the Trustees and

Superintendent of said School be transferred from the State Hospital by its Superintendent to said dormitories and other feeble minded adults may, with the approval of the Trustees and Superintendent of said school, be committed thereto, as now by law permitted;"

The effect of this was to change the fundamental distinction between the two institutions and open the way to transfer from Concord to Laconia males over age twenty-one and women over age forty-six. The only barrier to making the Laconia State School an adjunct institution to the N. H. State Hospital and thus changing the whole character was the necessary acquiescence of the board of trustees of the Laconia State School and the superintendents of the institutions. Frankly speaking I do not believe that this policy is a sound one and I am strongly of the opinion that the two institutions having served for many years their respective types of patients, and having been structurally provided for and staffed for the functions which they were to perform should continue to do so. Consequently I had prepared and introduced as an administration measure House Bill No. 375\* which I earnestly trust will receive your approval. This bill restores the status which existed before the act of 1939.

In 1938 the State Planning and Development Commission made an extensive survey of the N. H. State Hospital and its needs, at the request of the General Court. It was evident from the report of this survey that for reasons of economical and efficient administration, the hospital had grown to such a size that it was unwise to extend further its capacity at its present location. The solution of the problem was to be found in creating another hospital unit at another location,

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\* House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School.



and making all additions to capacity at the new institution. I believe this to be sound in principle, and do not think we should go beyond structures which were contemplated in the program under Chapter 221 of the Laws of 1939, or in these recommendations. This applies to major structures which are aimed toward extending capacity of the present plant. There are minor changes and improvements needed which will improve the efficiency of the present plant.

We have under construction at the present time a medical-surgical building which will provide one hundred and thirty beds. This building should be ready for occupancy within the year. To relieve congestion already existing at the Hospital, I recommend the construction of an addition to the Brown Building which will provide beds for one hundred twenty patients. Construction at present under way is to be financed with funds authorized under Chapter 221 of the Laws of 1939. This will require \$750,000.00. The bids which were received on April 3rd for the already authorized dormitory at Laconia indicate that the building can be built for approximately \$170,000.00. This leaves a balance of \$80,000.00 in these funds. This program would require an additional \$100,000.00 which, together with this balance, will enable the construction of an addition to the Brown Building at the N. H. State Hospital, at a cost of approximately \$180,000.00. I recommend the sum of \$10,000.00 to construct a new carpenter shop in order to remove a serious fire hazard.

At the Laconia State School I also recommend the sum of \$50,000.00 to enlarge dining room and kitchen facilities and space to serve the increased capacity of the institution. I believe that the above recommendations could also include the vegetable greenhouse requested in House Joint Resolution No. 22.\*

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\* House Joint Resolution No. 22, Joint resolution making an appropriation for a vegetable greenhouse at the Laconia State School.

### **Military Needs**

I recommend that the sum of \$24,000.00 be appropriated for general repairs to the Claremont and Portsmouth Armories as requested by the Adjutant-General. Undoubtedly the rebuilding of certain state armories will be necessary in later bienniums.

### **Teachers Colleges**

I am making no recommendations for major improvements at either of the state teachers colleges during the next biennium, but am listing certain projects for later consideration.

### **Fish and Game**

I recommend a new house for the superintendent of the Whitefield Hatchery and the construction of a rearing station at Sumner Brook in Ossipee. These total \$18,000.00 for the next biennium.

### **Forestry and Recreation**

I am recommending no further capital investments in state forests or state recreational developments at this time. However, the continued development of the recreational business of the state will undoubtedly require the improvement of existing facilities and building of new facilities at our various state reservations.

The Research and Planning Division of the State Planning and Development Commission and the State Forestry and Recreation Department expect to soon complete a study of the existing recreational facilities of the state, and the future development which seems desirable and justified. This plan will provide a basis for determining what improvements of a recreational nature should be included in future capital budgets. I am including a list of certain recreation improvements already considered necessary by the State Forestry

and Recreation Department, and which are probable requirements for the 1943-45 and 1945-47 bienniums.

### State Prison

I recommend improvements at the State Prison to increase security of the inmates and safety of the guards and to complete the services for the new cell block. These total \$37,560.00. I also recommend the appropriating of \$11,400.00 for alteration of the women's quarters to other uses. This project of course is dependent on the passage of House Bill No. 373\*, which I have recommended and which has been passed by the House. Other projects for consideration by later sessions of the General Court are listed for reference.

### State Sanitorium

I am recommending the sum of \$9,625.00 for improvements at the State Sanitorium. These include a new chimney and new gauges at the heating plant and the replacing of a portion of the main sewer.

### State Library

The needs of the State Library for book stacks to accommodate its constantly expanding book shelves have been considered, and although no appropriation is recommended for the coming biennium, amounts are listed for consideration in the following two bienniums.

### State House and Grounds

I recommend the sum of \$16,500.00 to enlarge the seating capacity of Representatives Hall, renovate the Senate Chamber in connection with the installation of the new murals, and to replace rug and drapes in the

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\* House Bill No. 373, An act relating to the care and custody of female convicts.



Council Chamber, also the construction of a parking area for state cars on the lot given the state by the city of Concord on the corner of North State and Center Streets. This is contingent upon the city removing its restriction on the use to which the state can put the property.

#### **State Storage Warehouse**

I recommend that the sum of \$35,000.00 be appropriated for the purchase and alteration of a state storehouse, to be used largely by the State Liquor Commission. If the above appropriation is made, I would further recommend that Chapter 225 of the Laws of 1939 be repealed.

#### **Conclusion**

The above recommendations with respect to capital outlay are enumerated in the chart which accompanies this message, and the items for the next two years I am submitting in a Capital Budget Bill.

In this capital budget I have mapped a program for your consideration covering the present emergency period, and looking through this period to the inevitable let down following our defense activities.

SUMMARY SHEET  
STATE OF NEW HAMPSHIRE  
CAPITAL BUDGET  
(General Sinking Fund)

As submitted by Governor Robert O. Blood for the Biennium ending June 30, 1943 and including a statement of probable requirements for the period 1944-47

	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47
<b>INCOME</b>							
Balance on hand (July 1) ..	\$961,449.92	\$906,837.42	\$645,594.92	\$484,049.92	\$500,000.00	\$500,000.00	\$500,000.00
Estimated income .....	2,356,607.50	2,307,871.75	2,272,590.50	2,300,000.00	2,300,000.00	2,300,000.00	2,300,000.00
Estimated total available ...	\$3,318,057.42	\$3,214,709.17	\$2,918,185.42	\$2,784,049.92	\$2,800,000.00	\$2,800,000.00	\$2,800,000.00
<b>EXPENDITURES</b>							
Bond requirements (including present obligations and estimated requirements of scheduled issues as of April 9, 1941) .....	\$510,000.00	\$625,000.00	\$502,000.00	\$710,000.00	\$734,000.00	\$430,000.00	\$520,000.00
Bond requirements (anticipated additional issues) ..	.....	.....	.....	.....	.....	200,000.00	100,000.00
Total bond requirements.	\$510,000.00	\$625,000.00	\$502,000.00	\$710,000.00	\$734,000.00	\$630,000.00	\$620,000.00
Interest requirements (including present obligations and estimated requirements of scheduled issues as of April 9, 1941) .....	\$76,220.00	\$94,114.25	\$78,135.50	\$69,144.35	\$51,233.00	\$38,421.75	\$30,927.50
Interest requirements (anticipated additional issues) ...	.....	.....	4,000.00	6,000.00	13,000.00	20,000.00	21,000.00
	\$76,220.00	\$94,114.25	\$82,135.50	\$75,144.35	\$64,233.00	\$58,421.75	\$51,927.50
	\$586,220.00	\$719,114.25	\$584,135.50	\$785,144.25	\$798,233.00	\$688,421.75	\$671,927.50
Estimated total Debt Service							
Estimated balance in general sinking fund .....	\$2,731,837.42	\$2,495,594.92	\$2,334,049.92	\$1,998,905.67	\$2,001,767.00	\$2,111,578.25	\$2,128,072.50
Transfer to General Fund	1,825,000.00	1,850,000.00	1,850,000.00	.....	.....	.....	.....
Estimated balance—(end of fiscal year) .....	\$906,837.42	\$645,594.92	\$484,049.92	.....	.....	.....	.....
Minimum desirable balance ..	.....	.....	.....	500,000.00	500,000.00	500,000.00	500,000.00
Estimated balance available for transfer to General Fund	.....	.....	.....	\$1,498,903.67	\$1,501,767.00	\$1,611,578.25	\$1,628,072.50

STATE OF NEW HAMPSHIRE  
CAPITAL BUDGET

for the period 1944-47

As submitted by Governor Robert O. Blood for the Biennium ending June 30, 1943 and including a statement of probable requirements

	Total Cost of Projects Requested by Depart- ments	Total Cost of Projects Included in 2-Year Program	Governor's Recommendations for	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47	Cost of Projects Requested But Not Included in 6-Year Program
1. Adjutant General .....	\$24,000	\$24,000								
Repairs to Claremont Armory .....	.....	.....	\$13,500	.....	.....	.....	.....	.....	.....	.....
Repairs to Portsmouth Armory .....	.....	.....	10,500	.....	.....	.....	.....	.....	.....	.....
2. Education, Department of .....	186,500	.....		.....	.....	.....	.....	.....	.....	.....
Plymouth Teachers College .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
a. Renovate heating plant ...	.....	.....		.....	.....	\$20,000	.....	.....	.....	.....
Keene Teachers College .....	.....	.....		.....	.....		.....	.....	.....	.....
a. Addition to present library .....	.....	.....		.....	.....	.....	\$10,000	.....	.....	.....
b. Construct new dormitory .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
for 50 men .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
c. Other .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
3. Fish and Game Department ..	21,500	18,000		.....	.....	.....	.....	.....	\$60,000	\$96,500
a. House at Whitefield Hatch- .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
ery .....	.....	.....	3,000	.....	.....	.....	.....	.....	.....	.....
b. Rearing Station at Sumner ..	.....	.....		.....	.....	.....	.....	.....	.....	.....
Brook, Ossipee .....	.....	.....	7,500	\$7,500	.....	.....	.....	.....	.....	.....
c. House at New Hampton .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
Hatchery .....	.....	.....		.....	.....	3,500	.....	.....	.....	.....
4. Forestry and Recreation De- ..										
partment .....	133,600	.....		.....	.....	.....	.....	.....	.....	.....
Hampton Beach Reservation .....	.....	.....		.....	.....	.....	.....	.....	.....	.....
a. Landscaping, grading, ..	.....	.....		.....	.....	16,000	.....	.....	.....	.....
drainage .....	.....	.....		.....	.....	7,700	.....	.....	.....	.....
b. Construct play area .....	.....	.....		.....	.....	20,000	.....	.....	.....	.....
c. Construct swimming pool ..	.....	.....		.....	.....	23,500	.....	.....	.....	.....
d. Construct service bldg. ..	.....	.....		.....	.....	.....	.....	\$2,200	2,200	.....



	Total Cost of Projects Requested by Depart- ments	Total Cost of Projects Included in 2-Year Program	Governor's Recommendations for	1941-42	1942-43	1943-44	1944-45	1945-46	1946-47	Cost of Projects Requested But Not Included in 6-Year Program
Wellington Reservation										
e. Construct enlarged bath- house .....	.....	.....	.....	.....	.....	3,500	3,500	.....	.....	.....
f. Construct public buildings. State Nursery .....	.....	.....	.....	.....	.....	7,500	7,500	.....	.....	.....
g. Construct warehouse .....	.....	.....	.....	.....	.....	4,000	4,000	.....	.....	.....
h. Land acquisition for public reservations and forest pro- tection .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5. State Hospital .....	862,380	190,000	.....	.....	.....	4,000	4,000	4,000	4,000	.....
a. Addition to Brown Building b. New carpenter shop .....	.....	.....	180,000(1)	.....	.....	.....	.....	.....	.....	.....
c. Fire alarm protection .....	.....	.....	.....	.....	10,000	.....	.....	.....	.....	.....
d. Kitchen and dining room renovation .....	.....	.....	.....	.....	17,000	.....	.....	.....	.....	.....
e. Extension of sprinkler sys- tem .....	.....	.....	.....	.....	.....	.....	69,580	.....	.....	.....
f. Alterations to administra- tion building .....	.....	.....	.....	.....	.....	.....	.....	10,000	.....	.....
g. Other .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
6. State Industrial School .....	53,519	.....	.....	.....	.....	.....	.....	.....	42,000	533,800
7. Laconia State School .....	586,400	220,000	.....	.....	.....	.....	.....	.....	.....	533,519
a. Dormitory .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
b. Enlargement of dining room space .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
c. Enlargement of general kitchen .....	.....	.....	.....	.....	50,000	.....	.....	.....	.....	.....
d. Construct new greenhouse e. Renovate heating system .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
f. Enlarge sewage disposal plant .....	.....	.....	.....	.....	.....	11,900	.....	.....	.....	.....
	.....	.....	.....	.....	.....	6,000	.....	.....	.....	.....



	Total Cost of Projects Requested by Depart- ments	Total Cost of Projects Included in 2-Year Program	Governor's Recommendations for		Probable Requirements for				Cost of Projects Requested But Not Included in 6-Year Program
			1941-42	1942-43	1943-44	1944-45	1945-46	1946-47	
b. Replacing portion of main sewer .....	.....	.....	.....	2,500	21,500	.....	.....	.....	.....
c. New water supply .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
d. Separation of electric distribution lines .....	.....	.....	.....	.....	.....	5,000	.....	.....	.....
e. New laundry equipment .....	.....	.....	.....	.....	.....	.....	1,000	.....	.....
f. Other .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10. State Library .....	19,000	.....	.....	.....	5,000	.....	5,000	.....	194,500
11. Superintendent State Buildings, Grounds .....	51,500	51,500	.....	.....	.....	.....	.....	.....	9,000
a. Renovate Senate and Council chambers .....	.....	.....	10,000	.....	.....	.....	.....	.....	.....
b. Enlarge seating capacity of house .....	.....	.....	500	.....	.....	.....	.....	.....	.....
c. Parking area, rear of State Library .....	.....	.....	6,000	.....	.....	.....	.....	.....	.....
12. State Storage Warehouse Purchase and alterations .....	.....	.....	35,000	.....	.....	.....	.....	.....	.....
TOTAL .....	\$2,232,184	\$562,085	\$468,885	\$93,200	\$127,600	\$195,780	\$70,200	\$146,200	\$1,130,319
Bonds already authorized (Chap. 221, Laws 1939) .....	.....	250,000	250,000	.....	.....	.....	.....	.....	.....
TOTAL—New Authorization Necessary .....	.....	\$312,085	\$218,885	\$93,200	.....	.....	.....	.....	.....

Notes: (1) \$80,000 available from funds authorized under Chapter 221, Laws of 1939.  
 (2) Previously authorized, Chapter 221, Laws of 1939.  
 (3) Included with (1).



On motion of Senator Schurman of District No. 2, the convention rose.

### **House Resolution**

On motion of Mr. Daniels, of Ward 1, Manchester.

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies, in pamphlet form, of the message of His Excellency, the Governor.

### **Leaves of Absence**

Messrs. Mercier of Claremont, Cryan of Lancaster, Condon of Newport, O'Brien of Manchester, Hobbs of North Hampton and Davis of Nashua were granted leaves of absence for the day on account of important business.

Messrs. Guilbault of Allenstown, Carroll of Manchester, Grandmaison of Nashua and Studley of Rochester were granted leaves of absence Wednesday and Thursday on account of important business.

Messrs. Dupont of Pembroke, Palmer of Plaistow, Jackson of Dover, Sayers of Keene, Goodale of Exeter, Haley of Manchester, Anderson of Manchester and Smith of New Durham were granted leaves of absence for Thursday on account of important business.

### **Committee Reports**

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 51, Joint resolution in favor of Arthur Johnson, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to ought.

Amend said resolution by striking out the words, "two hundred dollars" in the first line and inserting in place thereof the following, one hundred ninety-eight dollars and eighty-eight cents (\$198.88) so that said resolution as amended shall read as follows:

That the sum of one hundred ninety-eight dollars and eighty-eight cents (\$198.88) be and hereby is allowed and appropriated to compensate Arthur Johnson of Northwood for injuries suffered by him in 1940 while working for the highway department, in said Northwood. The sum hereby allowed and appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claim.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 72, An act relating to sales; investments by trustees of estates, reported the same, in a new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 400, An act relating to the state cancer commission, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 401, An act authorizing the State of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance, with the recommendation that the bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Improvements.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 402, An act relative to the establishment of a state budget director, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 403, An act changing the date for licensing dogs from May first to April first, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Claims.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 141, An act prohibiting certain employment of elected city officials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.



1. Amend chapter 54 of the Public Laws by inserting after section 2 the following new sections:

2a. *Prohibition.* No publicly elected official of a city (except school district officers) who as such official is authorized to appropriate or expend public funds shall be employed during the term for which he is elected, by any department, board, or commission of the city in any other capacity or in any other position of employment where compensation is allowed; except in cases where under the present laws such employment is specifically mentioned and permitted.

2b. Upon acceptance of any such prohibited employment by such official his office shall forthwith become vacant and shall be filled as provided by law.

2c. Any provision of any city charter, except present provisions specifically mentioning and permitting certain employment, inconsistent with the provisions hereof, is hereby repealed to the extent of such inconsistency.

2. *Saving Clause.* This act shall not affect any present publicly elected city official until the term of office for which such official has been elected expires.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Creighton of Manchester moved that the bill with the amendment pending, be laid upon the table and made a special order for Tuesday, April 15, at 11:01 o'clock.

The question being on the motion of Mr. Creighton.

(Discussion ensued)

Mr. Osborne of Concord spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Lesmerises of Manchester asked for a division.

A division being had the vote was declared manifestly in the negative, and the motion did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Lesmerises of Manchester demanded the yeas and nays and the roll was called with the following result:

YEAS, 274

ROCKINGHAM COUNTY: Tuttle, Stowe, Lake, Currier, Fogg of Deerfield, Berthiaume, Corson, Morrison, Bourn, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Pridham, Patridge, Coleman, Prescott, Johnson of Northwood, Palmer, Dondero, Foote of Portsmouth, Gray, Redden, Yeaton, Holmes, Tucker, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Hartford, Kennard, Ackroyd, Leighton, Lucas, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Conrad, Hale of Rochester, Beaudoin, Potvin, Hayes of Rochester, Ward 6, Nutter, Habel, Boucher, Coffin, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Philbrick of Belmont, Nichols, Lord, Brown of Gilmanton, Tarlson, Guay of Laconia, Langlois, Tilton of Laconia, Ward 3, Roucher, Merrill of Laconia, Rivers, Ewing, Hopkins, Neal, Pynn, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Nickerson, Banfield, Knox, Vittum, Hayes of Tuftonboro, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Henry, Otis, Potter, Nash, Osborne of Concord,

Sturtevant, Tilton of Concord, Brunel, Bunten, Upton, Mayo, Comi, Sullivan of Concord, Ford, Milburn, Bunker, Maxfield, Lemire, Riel, Douphinett, Maxwell, Rounds, DuDevoir, Lafond, Nelson of Hopkinton, Kenney, Swift, Perkins, Connor, Cloues, Mock, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Farwell, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Charois, Boynton, Gay of Hillsborough, Lievens, Abbott, Morill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, Betley, Connolly, O'Connell, Constant, Aubin, Durette, Prince, Rosseau, Duval, Turgeon, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Woodbury of Nashua, Landry, Goulet, Trombley, Spalding, St. Francois, LeBlanc, Shedd, Thompson, Bigelow, Bass, Peaslee, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Miller, Hanson, Robertson, Duncan, Mills, Aldrich, Frissell, Lombard, Mason of Keene, Lichman, Duffy, Tarbox, Wheeler, Grimes, Doucette, Pierce, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Barrows, Daly, Decker, Gaffney, Witherill, Brigham, Barton, Bailey of Newport, Kempton, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Haley, Oakes, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Merrill of Plymouth, Barney, Robbins of Thornton, Morse, Gilbert, Sawyer.



COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Brungot, Bixby, Dugas, Gagnon, Seymour, Fuller, Parkhurst, Emerson of Dalton, Chandler, Fraser, Kimball, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

NAYS, 23

ROCKINGHAM COUNTY: None.

STRAFFORD COUNTY: None.

BELKNAP COUNTY: None.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Fletcher, Whittier.

HILLSBOROUGH COUNTY: Barry, Frain, Kean, O'Neil, Creighton, Dulac, Booth, Gorham, Benoit of Manchester, Ward 8, Chevrette, Egan, Caron, Gilmartin, Lesmerises, Cormier.

CHESHIRE COUNTY: Thomas, Callahan, Pickett, Blake.

SULLIVAN COUNTY: None.

GRAFTON COUNTY: None.

COOS COUNTY: Studd, Ramsey.

And the amendment was adopted.

Mr. Osborne of Concord offered the following amendment:

Amend section 2a by adding after the word "officers" in the second line the words, and judges and clerks of municipal courts, so that said section as amended shall read as follows:

2a. *Prohibition.* No publicly elected official of a city (except school district officers and judges and clerks of municipal courts) who as such official is authorized to appropriate or expend public funds shall be employed during the term for which he is elected by any department, board, or commission of the city in any other capacity or in any other position of employment where compensation is allowed; except in cases

where under the present laws such employment is specifically mentioned and permitted.

Amend section 2b by adding after the word "upon" in the first line the word, attempted; further amend by adding after the word "his" in the second line the word, elective, so that said section as amended shall read as follows:

2b. Upon attempted acceptance of any such prohibited employment by such official his elective office shall forthwith become vacant and shall be filled as provided by law.

The question being on the amendment offered by Mr. Osborne.

(Discussion ensued)

Mr. Osborne of Concord spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Betley of Manchester moved that the rules be suspended, the bill be put upon its third reading and final passage, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Osborne of Concord moved that the House reconsider the vote whereby it passed House Bill No. 141, An act prohibiting certain employment of elected city officials.

On a *viva voce* vote the motion to reconsider did not prevail.

### Personal Privilege

Mr. Clark of Canaan rose to a point of personal privilege and stated he was unavoidably detained when

the roll was taken on House Bill No. 141, and had he been present he would have voted Yes on the question.

### Message From the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 34, An act relating to sanitary inspectors.

Amend section 1 of House Bill No. 34, as amended, by inserting in the seventh line after the word inspectors the words and sanitarians, so that said section as amended shall read as follows :

Amend section 1 of chapter 136, Public Laws, by striking out the whole of said section and substituting therefor the following: 1. *Employment.* For the purpose of carrying out the provisions of this chapter and of those of other statutes the enforcement of which rests with it, the state board of health may employ persons to be known as inspectors and sanitarians, also sanitary engineers and other agents. Their salaries shall be such sums as may be established under the merit system of employment with the approval of the Governor and Council. They shall be reimbursed for their expenses, legally incurred while engaged in the performance of their duties.

On motion of Mrs. Otis of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 35, An act relating to definitions and standards under the food and drug act.

Amend section 1 of House Bill No. 35 by inserting after the word Act in the twelfth line the words "also



similar adoption of regulations promulgated under the Federal Meat Inspection Act," so that said section as amended shall read as follows:

1. Amend section 12 of chapter 139, Public Laws, as amended by chapter 45, Laws of 1929, by striking out in lines 4, 5, 6 and 7 of said amended section the words "including the adoption of such definitions and standards of purity as may from time to time be promulgated by the Secretary of Agriculture of the United States" and substituting therefor the following: "including as a part of said rules and regulations, when not inconsistent with existing laws, the adoption of such definitions and standards of identity as may from time to time be promulgated under the Federal Food, Drug and Cosmetic Act, also similar adoption of regulations promulgated under the Federal Meat Inspection Act," so that said section as amended shall read as follows:

12. *Enforcement; Rules; Inspections.* The state board of health is charged with the enforcement of this chapter. Said board may make rules and regulations for the proper enforcement thereof, including as a part of said rules and regulations, when not inconsistent with existing laws, the adoption of such definitions and standards of identity as may from time to time be promulgated under the Federal Food, Drug and Cosmetic Act, also similar adoption of regulations promulgated under the Federal Meat Inspection Act. It shall cause inspections to be made of the quality, condition and branding of foods and drugs found on sale, possessed for sale, or in process of manufacture or distribution, and shall collect samples for analysis at its laboratories. All inspectors and other employees appointed by said board shall be permitted access at all reasonable hours to all places of business concerned in the manufacture, production, transportation, distri-

bution and sale of foods and drugs; shall have the power to open and examine any package or container of any kind containing, or believed to contain, any article of food or drugs which may be manufactured, distributed, sold or possessed for sale in violation of the provisions of this chapter and to take samples therefrom for analysis, tendering to the manufacturer, distributor or vendor the value thereof.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mrs. Otis of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 42, An act authorizing the town of Haverhill to issue refunding notes or bonds and validating proceedings of the town meetings of the town of Haverhill.

### Senate Bill Read and Referred

Senate Bill No. 42, An act authorizing the town of Haverhill to issue refunding notes or bonds and validating proceedings of the town meetings of the town of Haverhill.

Read a first and second time and referred to the Committee on Judiciary.

Mr. Blandin of Bath moved that the rules be suspended, printing and reference of the bill to a committee be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Blandin of Bath moved that the rules be further

suspended, the bill be put upon its third reading and final passage, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Reading

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of a bill, by its title, made in order.

House Bill No. 72, An act relating to sales, investments by trustees of estates.

Read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Otis of Concord at 12:22 o'clock the House adjourned.

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THURSDAY, APRIL 10, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Gaffney, Decker and Mercier of Claremont, Potter of Concord, Hayes and Shaheen of Dover, Sullivan, McGowan and Delisle of Manchester, Betters and Schlegel of Nashua, Riel and Lemire of Franklin, and Cram of Unity and Miss Bailey of Newport were granted leaves of absence for the day on account of important business.

Mr. Boisvert of Pembroke was granted leave of absence for the day on account of illness.



### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 25, An act relating to trust companies.

Senate Bill No. 27, An act relative to investments by savings banks in fire insurance stock.

Senate Bill No. 42, An act authorizing the town of Haverhill to issue refunding notes or bonds, and validating proceedings of the town meetings of the town of Haverhill.

House Bill No. 124, An act relating to power of county delegations to investigate.

House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect, in the town of Lancaster, as a memorial to John Wingate Weeks, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by adding the word gratefully, before the word "accepts" in the first line of section 1.

On motion of Mr. Collins of Lisbon, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Wiggan of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 194, An act creating a retirement system for policemen,

reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 194, An act creating a retirement system for policemen, and being unable to agree with the majority, reported the same, in its new draft with the following resolution:

*Resolved, That it is inexpedient to legislate.*

PERKINS BASS,  
GEORGE H. DUNCAN,  
*A Minority of the Committee.*

The report was accepted.

The bill in its new draft and the accompanying reports were laid upon the table to be printed.

Mr. Grinnell of Derry, for the Committee on Judiciary, to whom was referred House Bill No. 346, An act establishing a commission to study the problem of establishing a retirement plan for state employees, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Weeks of Colebrook, for the Committee on Appropriations, to whom was referred House Bill No. 362, An act relating to the safety and health of employees, reported the same with the following resolution:

*Resolved, That it is inexpedient to legislate.*

The report was accepted.

Mr. St. Francois of Nashua moved that the bill and its accompanying report be laid upon the table and made a special order for Tuesday, April 15, at 11:01 o'clock.

The question being on the motion of Mr. St. Francois.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

(Discussion ensued)

Mr. St. Francois of Nashua spoke against the motion.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Comi of Concord asked for a division.

A division being had, 225 members voted in the affirmative and 47 members voted in the negative, the resolution of the committee was adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 53, Joint resolution in favor of George W. Cunningham, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 238, An act relating to ice fishing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 46, Joint resolution for the improvement of the road from West Epping to Fremont line, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 312, An



act relating to persons handling food for sale in public eating places, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 29, An act relative to the penalty for assaults, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 108 (in new draft and new title), An act creating the office of director for the blind, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 213, An act relating to the recording of conditional sales memoranda, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 382, An act permitting towns to become members of the New Hampshire Municipal Association, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred House Bill No. 379, An act making provision for the state to cooperate and participate in the administration of the so-called stamp plan and school lunch program of the federal government, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Smart of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Pennell of Exeter, for the Committee on Appropriations, to whom was referred House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 373, An act relating to the care and custody of female convicts, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and conven-

tion building, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Tilton of Laconia, Ward 3, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 59, Joint resolution relating to forest fires, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred Senate Bill No. 34, An act relating to fiduciary powers of trust companies and national banks, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 14 (in new draft and new title), An act relating to salt water smelt, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shell and anadromous of the Atlantic



seaboard, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 147, An act relative to destruction of certain records in the department of the State Board of Health, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 395, An act relating to Lucas pond in the town of Northwood, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 31, An act relative to town appropriations for the acquisition of certain real estate, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 388, An act relative to the definition of chauffeur, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 389, An act relative to licenses to operate motor

vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 386, An act relative to light and reflectors on motor vehicles, tractors, trailers and semi-trailers, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "vehicle" in the fourth line the words, with a width of eighty inches, so that said section as amended shall read as follows:

1. *Definitions.* Amend section 1, chapter 99, Public Laws, (section 1, chapter 115, commissioners report) by inserting after paragraph XXVIII, as inserted by section 5, chapter 189, Laws of 1939, the following new paragraph: XXIX. "Bus" any motor vehicle with a width of eighty inches designed or adapted and used for the transportation of passengers.

Amend section 3 by striking out the word "seventy-two" in the second line and inserting in place thereof the word, eighty, so that said section as amended shall read as follows:

3. *Requirements for Bus, Motor Truck, etc.* Amend section 6-a, chapter 103, Public Laws, as inserted by section 1, chapter 134, Laws of 1933 (section 9, chapter 119, commissioners report) by striking out said section and inserting in place thereof the following:

6-a. *Clearance Lamps.* Every bus, motor truck, trailer or semi-trailer, having a width including load in excess of eighty inches, when on the highways of this state at night, shall have displayed on the front thereof, in addition to the front lights provided for in

section 5, two amber clearance lamps. Every such vehicle shall have displayed on the rear thereof, in addition to the tail lamps and reflectors provided for in section 6, two red clearance lamps. All clearance lamps shall be located on the permanent part of the body, as high as possible thereon, one at the extreme left and one at the extreme right, to indicate the extreme width of said vehicle and load. Those on the front shall be visible, when lighted, for a distance of at least five hundred feet from the front and the side and those at the rear shall be visible, when lighted, for a distance of at least five hundred feet from the rear and the side, of said vehicle. However, in the case of vehicles and loads in excess of forty-five feet in length, the rear most clearance lamp arrangement shall be mounted on each side on the rear most support for the load, one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the vehicle and load. Said clearance lamps shall be of such type, size and color as shall be approved by the motor vehicle commissioner.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Myhaver of Peterborough, further reading of the amendment was dispensed with.

The amendment was adopted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 21, An act relating to the discharge of mortgages, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title be recommitted to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and



recommitted to the Committee on Revision of the Statutes.

Mr. Jean of Manchester, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, Justice of the Municipal Court of Manchester, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Jean of Manchester, for the Special Committee consisting of the members from the city of Manchester, to whom was referred House Bill No. 205, An act to amend the charter of the city of Manchester, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Special Committee consisting of the members from the city of Manchester, to whom was referred House Bill No. 205, An act to amend the charter of the city of Manchester, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

ORIGENE E. LESMERISES,  
PATRICK J. CREIGHTON,  
JOSEPH P. AUBIN,  
ADOLPHE DUVAL,  
JOSEPH J. ROUKEY,  
MARK J. GORHAM,  
OSCAR E. GETZ, Sr.  
MARYE L. CARON,  
P. F. BRESNAHAN,  
MEDORA GILMARTIN,  
HENRY O. HUARD,  
NAPOLEON DULAC,

MARTIN L. MAHONEY,  
JOHN C. O'BRIEN,  
JOSEPH HEALY,  
HUBERT T. CARROLL,  
PATRICK J. EGAN,  
DOMINICK J. KEAN,  
JOSEPH M. BARRY,  
JOHN F. DRISCOLL,  
JOHN J. KANE,  
JOSEPH CHEVRETTE,  
EUGENE DELISLE, Jr.  
LEONARD L. PROVENCHER,  
PETE H. ROY,  
T. J. MCGOWAN,  
W. STEWART,  
MICHAEL S. DONNELLY,  
JOHN J. FRAIN,

*A Minority of the Committee.*

The report was accepted.

Mr. Creighton of Manchester moved that the report of the minority, "inexpedient to legislate" be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Creighton, Betley and Connelly of Manchester, and Comi of Concord spoke in favor of the motion.

Mr. Wiggin of Manchester spoke against the motion.

Mr. Connelly of Manchester moved that the bill and accompanying reports be indefinitely postponed.

The question being on the motion of Mr. Connelly.

(Discussion ensued.)

Mr. Connelly of Manchester spoke in favor of the motion.

Mr. Callahan of Keene moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. Connelly of Manchester asked for a division.

Mr. Thibodeau of Manchester demanded the yeas and nays and the roll was called with the following result:

YEAS, 200

ROCKINGHAM COUNTY: Stowe, Lake, Currier, Fogg of Deerfield, Fecteau, Bourn, Cilley, Robbins of Fremont, Merrill of Hampton, Evans of Kensington, Nesmith, Pridham, Patridge, Coleman, Lebranche, Rousseau of Newmarket, Sanborn of Nottingham, Barrett, Kittredge, Gray, McNeil, Burkhardt, Holmes, Tucker, Peever, Foote of Seabrook.

STRAFFORD COUNTY: Keenan, Courchene, Ackroyd, Leighton, Brennan of Dover, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Nutter, Hamel, Habel, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Cotton, Nichols, Lord, Tarlson, Guay of Laconia, Roucher, Tilton of Laconia, Ward 4, Merrill of Laconia, Rivers, Ewing, Hopkins, Pynn, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Nickerson, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Jewell of Wolfeboro.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Laird, Coakley, Veroneau, Fletcher, Tilton of Concord, Brunel, Matson, Mayo, Ford, Milburn, Bunker, Maxfield, Douphinett, DuDevoir, Lafond, Perkins, Connor, Mock.

HILLSBOROUGH COUNTY: Bills, Farwell, Clark of Francestown, Bartlett of Goffstown, Charois, Abbott,



Morrill, Barry, Bresnahan, Dowd, Frain, Kean, O'Neil, Betley, Creighton, Dulac, O'Brien, Connolly, Gorham, Donnelly, Kane of Manchester, Adams of Manchester, Driscoll, Egan, Caron, Gilmartin, Stewart, Aubin, Prince, Duval, Lesmerises, Carter of Merrimack, Wadleigh, Woodbury of Nashua, Landry, Sweeney of Nashua Ward 2, Carrier, Goulet, Trombly, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Paquette, Shea of Nashua, St. Francois, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Miller, Clark of Harrisville, Robertson, Duncan, Mills, Callahan, Lombard, Duffy, Pickett, Tarbox, Blake, Wheeler, Grimes, Pierce, Brennan of Westmoreland.

SULLIVAN COUNTY: Hamlin, Beland, Daly, Marcotte, Murphy, Witherill, Kempton, Maley, Philbrick of Springfield.

GRAFTON COUNTY: Brown of Ashland, Blandin, Noyes, Coolidge, Sanborn of Enfield, Hodge, Valia, Hunter, Cryan of Haverhill, Oakes, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Hamilton of Lisbon, Collins of Littleton, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Merrill of Plymouth, Robbins of Thornton, Gilbert, Sawyer.

COOS COUNTY: Moffett, Lazure, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Seymour, Kimball, Ashe, Marshall.

#### NAYS, 129

ROCKINGHAM COUNTY: Tuttle, Berthiaume, Corson, Grinnell, Morrison, Pennell, Spollett, Keay, Prescott, Johnson of Northwood, Palmer, Dondero, Foote of Portsmouth, Redden, Yeaton, Schlegel, Kane of Portsmouth.

STRAFFORD COUNTY: Hayes of Barrington, Hartford, Kennard, Longley, Hale of Rochester, Fernald, Hayes of Rochester, Ward 6, Berry.

BELKNAP COUNTY: Rollins of Alton, Philbrick of Belmont, Brown of Gilmanton, Langlois, Tilton of Laconia, Ward 3, Neal.

CARROLL COUNTY: Huntress, Banfield, Young, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Moore of Bradford, Sanborn of Chichester, Henry, Otis, Nash, Osborne of Concord, Sturtevant, Bunten, Upton, Comi, Whittier, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Cloues, Stuart.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Brown of Goffstown, Wakefield, Reynolds, Gleason, Boynton, Gay of Hillsborough, Lievens, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, O'Connell, Gaumont, Jean, Tessier, Turcotte, Rosseau, Thibodeau of Manchester, Turgeon, Ellison, Jewett, Atherton, Cooper, Davis of Nashua, Shedd, Thompson, Bass, Myhaver, Peaslee.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Aldrich, Batchelor, Frissell, Mason of Keene, Lichman, Doucette, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Brigham, Barton, Condon, Mark, Osborne of Sunapee.

GRAFTON COUNTY: Pulsifer, Gile of Hanover, Holden, Davison, Dean, Haley, Collins of Lisbon, Blount, Downing, Whitcomb, Bell, Barney.

COOS COUNTY: Smith of Berlin, Fuller, Parkhurst, Emerson of Dalton, Chandler, Fraser, Cryan of Lancaster, Morris, Fogg of Milan, Baldwin, Weeks of Stewartstown, Hutchins.

And the bill was indefinitely postponed.

Mr. Betley of Manchester moved that the House reconsider the vote whereby it indefinitely postponed House Bill No. 205, An act to amend the charter of the city of Manchester.

On a *viva voce* vote the motion to reconsider did not prevail.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 360, An act relating to the regulation, at certain railroad crossings, of motor vehicles carrying passengers for hire.

House Bill No. 380, An act relating to a public park and recreational area on Long Island in the town of Moultonborough.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolutions, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 27, Joint resolution in favor of Oliver Hadley.

Amend the joint resolution by adding at the end thereof the words, and shall be in full settlement for claim; so that said joint resolution as amended will read:

That the sum of \$2,000 be and hereby is appropriated to pay Oliver Hadley for personal injuries and expense sustained thereby caused by an accident near Dixville Notch on July 3, 1929, involving the premature explosion of dynamite on highway construction work; and said sum shall be a charge upon the highway funds and shall be in full settlement for claim.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendment sent down from the Honorable Senate.



The joint resolution was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin.

Amend the joint resolution by striking out the word "three" in the first line thereof and substituting the word two; so that said joint resolution as amended will read:

That the sum of two hundred dollars be, and hereby is appropriated and allowed Harry Franklin of Lyme for injuries he received on June 5, 1939, while in the employ of the state highway department. The sums hereby appropriated shall be a charge upon the highway funds, and shall be in full settlement of said claims.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The joint resolution was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked concurrence of the House of Representatives:

House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Town Appropriations.* Amend chapter 42 of the Public Laws (chapter 51, commissioners report) by adding after paragraph XXX of section 4, as inserted by section 1, chapter 20, Laws of 1939, the following new paragraph:

Amend section 2 of said bill by striking out the

words "after the words water works in the title thereof a semicolon and the words flood control. Further amend said section 10 by adding."

On motion of Mr. Nelson of Winchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 272, An act providing for the changing of a class 2B highway to a class V highway.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Marston Hill Road, Andover.* On and after the passage of this act Marston Hill Road, so-called, in the town of Andover shall be classified as a class V road and no longer be deemed to be in the secondary highway system as a class 2B road.

On motion of Mr. Phelps of Andover the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Name Changed.* The name of the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church, an organization incorporated by chapter 127 of the Laws of 1877, as amended by chapter 179, Laws of 1905, is hereby changed to New Hampshire Conference Preachers' Aid Society of the Methodist Church.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 372, An act to amend the charter of New Hampshire Annual Conference of the Methodist Church.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the charter of the trustees of the New Hampshire Conference of the Methodist Episcopal Church.

Amend section 1 of said bill by striking out the word "June" in the third line and inserting in place thereof the word July.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 25, An act relating to trust companies.

Senate Bill No. 27, An act relative to investments of savings banks in fire insurance stock.

House Bill No. 124, An act relating to the powers of a county delegation to investigate.

House Bill No. 321, An act relating to proof of financial responsibility by owners and operators of motor vehicles.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:



Senate Joint Resolution No 3, Joint resolution in favor of Ralph T. Gallagher.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 3, Joint resolution in favor of Ralph T. Gallagher.

Read a first and second time and referred to the Committee on Claims.

### **Reconsideration**

Mr. Comi of Concord moved that the House reconsider the vote whereby it voted House Bill No. 362, An act relating to safety and health of employees, inexpedient to legislate.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Comi of Concord and Maxwell of Henniker, and Mrs. Bourn of Exeter spoke in favor of the motion.

Messrs. Daniels of Ward 1, and Chase of Manchester spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the question was ordered. The question being on the motion to reconsider.

On a *viva voce* vote the motion to reconsider did not prevail.

### **Communication**

The following letter was read by Mr. Woodbury of Manchester.

Senator Emmett Kelley,  
Chairman Senate Public Improvement Committee  
State House,  
Concord, N. H.

DEAR SENATOR:

At a meeting of the pharmacy commission in considering House Bill No. 42, it was voted to extend to applicants for druggists in New Hampshire, permission to take an examination here in New Hampshire or in the state of Vermont or Massachusetts, for the purpose of becoming registered druggists in the State of New Hampshire. This permission expires May 1, 1942.

JOHN R. KELLEY,  
PERCY J. CALLAHAN,  
*For the Pharmacy Commission.*

### Resolutions

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock and that when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That the Committee on Banks be granted the use of Representatives' Hall on Wednesday, April 16, at 2 P. M. for a hearing on House Bill No. 396, An act to authorize limited branch banking.

On a *viva voce* vote the resolution was adopted.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills, by their titles and joint resolutions by their captions, made in order.

House Bill No. 147, An act relative to destruction of certain records in the department of the state board of health.

House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity.

House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel.

House Bill No. 373, An act relating to the care and custody of female convicts.

House Bill No. 386, An act relative to light and reflectors on motor vehicles, tractors, trailers and semi-trailers.

House Bill No. 388, An act relative to the definition of chauffeur.

House Bill No. 389, An act relative to licenses to operate motor vehicles.

House Bill No. 395, An act relating to Lucas pond in the town of Northwood.

House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, Justice of the Municipal Court of Manchester.

House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and convention building.

House Joint Resolution No. 59, Joint resolution relating to forest fires.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 14 (in new draft and new title), An act relating to salt water smelt.

Senate Bill No. 31, An act relative to town appropriations for the acquisition of certain real estate.



Senate Bill No. 34, An act relating to fiduciary powers of trust companies and national banks.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Bourn of Exeter at 1:15 o'clock the House adjourned.

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SATURDAY, APRIL 12, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 12, 1941.

Mr. Charles M. Mills,  
Jaffrey, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 15, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Paquette of Nashua, and Goodrich of Chester were granted leaves of absence for the week on account of illness.

Messrs. Pierce of Walpole, and Sweeney of Ward 2, Nashua, were granted leaves of absence for the day on account of important business.

Mr. Carroll of Manchester was granted leave of absence for the week on account of important business.

Mr. Sayers of Keene was granted leave of absence for Thursday on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 14, An act relating to salt water smelt.

Senate Bill No. 31, An act relative to town appropriations for the acquisition of certain real estate.

Senate Bill No. 34, An act relating to fiduciary powers of trust companies and national banks.

House Bill No. 46, An act relating to temporary insurance licenses.

House Bill No. 69, An act relating to investments by guardians.

House Bill No. 201, An act to change the name of the Swedish Evangelical Lutheran Gethsemane Church of Manchester.

House Bill No. 229, An act to authorize towns to appropriate money for flood control purposes.

House Bill No. 272, An act providing for the changing of a class 2-B highway to a class V highway.

House Bill No. 360, An act relating to the regulation, at certain railroad crossings, of motor vehicles carrying passengers for hire.

House Bill No. 371, An act relative to the New Hampshire Conference Preachers' Aid Society of the Methodist Episcopal Church.

House Bill No. 372, An act relative to the charter of the Trustees of the New Hampshire Conference of the Methodist Episcopal Church.

House Bill No. 380, An act relating to a public park and recreational area on Long Island in the Town of Moultonborough.

House Joint Resolution No. 27, Joint resolution in favor of Oliver Hadley.

House Joint Resolution No. 28, Joint resolution in favor of Harry Franklin.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 35, An act relating to definitions and standards under the food and drug law, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Regulations of State Board of Health.* Amend section 12 of chapter 139, Public Laws, as amended by chapter 45, Laws of 1929 (section 12, chapter 162, commissioners' report) by striking out the words "including the adoption of such definitions and standards of"

On motion of Mrs. Otis of Concord, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Wiggin of Manchester, for the Committee on Judiciary, to whom was referred House Bill No. 194, An act creating a retirement system for policemen, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.



The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 194, An act creating a retirement system for policemen, and being unable to agree with the majority reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

PERKINS BASS,  
GEORGE H. DUNCAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Duncan of Jaffrey moved to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued.)

Mr. Duncan of Jaffrey spoke in favor of the motion.

Messrs. Mills of Jaffrey, Wyman of Candia, Lichman of Keene, Comi of Concord, Blandin of Bath, Hayes of Rochester, Cilley of Exeter, Matson of Concord and Tilton of Ward 4, Laconia spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

Mr. Duncan of Jaffrey asked for a division.

A division being had, 74 members voted in the affirmative and 271 members voted in the negative, the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass" did not prevail.

The bill was referred to the Committee on Appropriations under the rules.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 383, An act placing the enforcement of the laws relative to fire escapes within the jurisdiction of the insurance commissioner, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 54, Joint resolution in favor of Ruth D. Hier, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 171, An act relative to the teachers retirement system, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. St. Francois of Nashua, for the Committee on Education, to whom was referred House Bill No. 166, An act relative to state aid for school districts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out in section 3 the words "one hundred" in line 4 and inserting in place thereof the words, seventy-five, so that said section as amended shall read as follows:

3. *Appropriation.* Amend said chapter 121 by inserting after section 13 the following new section:

13-a. *Appropriation.* To carry out the provisions of sections 8-a and 13 there is hereby annually appropriated the sum of seventy-five thousand dollars. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

Further amend by striking out in section 4 the figures "1939" and inserting in place thereof the figures, 1941, so that said section as amended shall read as follows:

4. *Takes Effect.* This act shall take effect July 1, 1941.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Fecteau of Epping, for the Committee on State House and State House Yards, to whom was referred House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 211, An act relative to guaranty agreements provided in case of the sale of lightning rods, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Requirements of Agreement.* Amend section 3, chapter 160 (section 3, chapter 187, commissioners' report) by striking out the whole of said section and inserting in place thereof the following: 3. *Guaranty.* When the commissioner is satisfied that



the manufacturer has complied with such requirements and is safe and reliable as to assets, business standing and methods, and is entitled to confidence, he shall require to be filed with him a copy of the guaranty agreement issued by such manufacturer, which agreement must provide that, in the event of damage by lightning to property rodged by said manufacturer or his agent the owner thereof shall be reimbursed, by said manufacturer, for said loss in an amount not to exceed twice the cost of installation of said rodding. The form of such guaranty agreement shall be approved by the commissioner before the issuance thereof.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 182 (in new draft), An act relating to accident and health insurance policies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend subsection I of section 2 by striking out the word "four" in line 5 and inserting in place thereof the word, three; further amend by striking out the words "issued or delivered" in line 6 and inserting in place thereof the words, delivered or issued for delivery; further amend by adding at the end of subsection I the words, Any such general or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, child or children or other dependents, so that said section as amended shall read as follows:

I. No policy of group or blanket accident or health insurance or accident and health insurance and no certificate thereunder shall, except as provided in subsection three of section 22a, be delivered or issued for

delivery in this state unless the policy contains in substance each and all of the provisions set forth in the following paragraphs or provisions which in the opinion of the commissioner are more favorable to the holders of such certificates or not less favorable to the holders of such certificates and more favorable to policyholders. Any such general or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, child or children or other dependents.

Amend section 2 by striking out the words "issued or delivered" in line one and inserting in place thereof the words, delivered or issued for delivery, so that said section as amended shall read as follows:

2. Any portion of any such policy delivered or issued for delivery in this state, which purports, by reason of the circumstances under which a loss is incurred to reduce any benefits promised thereunder to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed, in such policy and in each certificate issued thereunder, in bold face type and with greater prominence than any other portion of the text of such policy or certificate, respectively, and all other exceptions of the policy shall be printed in the policy and in the certificate, with the same prominence as the benefits to which they apply. If any such policy contains any provision which affects the liability of the insurer because of any violation of law by the insured during the term of the policy, it shall be in the following form: The insurer shall not be liable for death, injury incurred or disease contracted, to which a contributing cause was the insured's commission of, or attempt to commit, a felony, or which occurs while the insured is engaged in an illegal occupation. If any such policy contains any provision which affects

the liability of the insurer because of the insured's use of intoxicating liquor or narcotics during the term of the policy, it shall be in the following form: The insurer shall not be liable for death, injury incurred or disease contracted while the insured is intoxicated or under the influence of narcotics unless administered on the advice of a physician.

Amend by striking out section 3 and inserting in place thereof the following: 3. The commissioner may approve any form of blanket accident or health or accident and health insurance policy, or any form of certificate to be issued under such policy, which omits or modifies any of the provisions hereinbefore required, if he deems such omission or modification suitable for the character of such insurance and not unjust to the persons insured thereunder.

The report was accepted.

The bill with the amendments pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Marshall of Northumberland, for the Committee on Agriculture, to whom was referred Senate Bill No. 21 (in new draft), An act relative to municipal permit fees for certain agricultural vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "not in any event exceed the sum of three" in the ninth and tenth lines and the twenty-second and twenty-third lines and inserting in place thereof the words, be two, so that said section as amended shall read as follows:

1. *Motor Vehicle Municipal Permits.* Amend section 14, chapter 100, Public Laws, as amended by section 1, chapter 12, Laws of 1927, and chapter 29, Laws



of 1933 (section 20, chapter 116, commissioners' report) by adding at the end of said section the following: Provided, however, that the fee collected hereunder for a commercial vehicle or truck, used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated which said commercial vehicle or truck is not used for the purpose of transporting produce or goods for sale or for hire, shall be two dollars, so that said section as amended shall read as follows: 14 *Fees*. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: On each motor vehicle offered for registration a sum equal to seventeen mills on each dollar of the maker's list price for the current year of manufacture, twelve mills for the first succeeding year, nine mills for the second succeeding year, five mills for the third succeeding year, three mills for the fourth and succeeding years, provided, however, that the fee collected hereunder for a commercial vehicle or truck, used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated which said commercial vehicle or truck is not used for the purpose of transporting produce or goods for sale or for hire, shall be two dollars.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 404, An act legalizing certain meetings of the Boscawen Penacock water district, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Blandin of Bath moved that the rules be suspended, the printing of the bill and its reference to a committee be dispensed with.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Blandin of Bath the rules were further suspended, the bill put upon its third reading and final passage, by title, at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 405, An act relating to income from motor vehicle road tolls, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 406, An act relating to discontinuance of railroads, with the recommendation that the bill be referred to the Committee on Transportation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Transportation.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject reported the following entitled bill, House Bill No. 407, An act relative to appeals from the Public Service Commission, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 408, An act regulating aviation, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 409, An act relating to supervision of navigation, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 410, An act conferring authority upon the Public Service Commission to establish temporary rates, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:



House Bill No. 46, An act relating to temporary insurance licenses.

House Bill No. 69, An act relating to investments by guardians.

House Bill No. 228, An act for the benefit of clubs affiliated with national organizations.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 29, An act to restrict the authority of the commission of pharmacy and practical chemistry.

House Bill No. 42, An act relative to qualifications for the practice of pharmacy.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 322, An act relative to unemployment compensation, and the President of the Senate appointed as members on such committee, on the part of the Senate, Senators Schurman, Leahy, and Marcoux.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 52, An act relating to highways.

Amend section 1 of said bill by adding after the words "Public Laws" the words, (paragraph III, section 4, chapter 51, commissioners' report).

Further amend said bill by striking out section 2 thereof and renumbering section 3 to read section 2.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act authorizing towns to appropriate money for public parking areas.

On motion of Mr. Guay of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Communication

The following letter was read by the Speaker :

Acknowledging with grateful appreciation your comforting expression of sympathy.

MRS. GEORGE Y. EMERSON and FAMILY.

On motion of Mrs. Mason of Berlin at 12:48 o'clock the House adjourned.

### Afternoon

The House met at 3:00 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 211, An act relative to guaranty agreements provided in case of the sale of lightning rods.

Read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 21, An act relative to municipal permit fees for certain agricultural vehicles.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

Mr. Myhaver of Peterborough moved that the rules be suspended and the order whereby House Bill No.

288, An act relating to county commissioners in Hillsborough county, was referred to the special committee consisting of the delegation from the county of Hillsborough, be vacated, and the bill be referred to the Committee on Revision of the Statutes.

The question being on the motion of Mr. Myhaver.

(Discussion ensued)

Messrs Bass and Myhaver of Peterborough spoke in favor of the motion.

Mr. Booth of Manchester spoke against the motion.

Mr. Booth asked for a division.

A division being had, 68 members voted in the affirmative and 5 members voted in the negative, and there being no quorum present the House adjourned, and the motion went into unfinished business.

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#### WEDNESDAY, APRIL 16, 1941.

The House met at 11.00 o'clock.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Messrs. Anderson of Manchester, Wiggin of Bedford, Studley of Rochester, Peever of Salem and Foote of Seabrook were granted leaves of absence for the day on account of important business.

Mr. Kempton of Newport, and Miss Hanson of Gilsom were granted leaves of absence for the day on account of important business and illness, respectively.

Messrs. Wiggin of Conway, Hinchey of Berlin, and Stewart of Manchester were granted leaves of absence for the week on account of illness.

Messrs. Jackson of Dover, Courchene of Dover, Hayes of Berlin, Smith of New Durham, Senechal of Nashua, Brown of Gilmanton, Pelletier of Keene,



and Clark of Canaan and Mrs. Dondero of Portsmouth were granted leaves of absence Thursday on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect in the town of Lancaster as a memorial to John Wingate Weeks.

House Bill No. 52, An act authorizing towns to appropriate money for public parking areas.

The report was accepted.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 247, An act to establish a state labor relations board to promote industrial peace, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 51, Joint resolution in favor of Arthur Johnson, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tilton of Laconia, Ward 3, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 48, Joint resolution in favor of George H. Reed, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred House Bill No. 257, An act providing for the registration of architects, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Wyman of Candia moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued.)

Messrs. Wyman of Candia, Atherton of Nashua, and Blandin of Bath, and Mrs. Cooper of Nashua spoke in favor of the motion.

Messrs. Wiggin of Manchester, and Hunter of Hanover, and Mrs. Brungot of Berlin spoke against the motion.

Mr. Redden of Portsmouth asked for a division.

A division being had, 19 members voted in the affirmative and 240 members voted in the negative, the motion to substitute the words "ought to pass" for the words "inexpedient to legislate," did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 295, An act relating to rights and qualifications of voters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 203, An act relating to the sale and manufacture of cider, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 175, An act relative to taking black bass from Sunapee lake, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 121 (in new draft and new title), An act relating to the poll tax of soldiers and sailors, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out the whole section and inserting in place thereof the following:



2. *Poll Tax Exemption.* Any person in the military service shall be exempt from any poll, whether falling due prior to or during his period of military service.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 182 (in new draft), An act relative to accident and health insurance policies, reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, as printed in the Journal of April 15, and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 244, An act relating to the predetermination by the commissioner of labor of the minimum wages of employees in public works, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Gage of Manchester offered the following amendment:

Amend said bill by striking out the words "the minimum wage director" in the sixth line of section 3 and inserting in place thereof the words, the highway commissioner, so that said section as amended shall read as follows:

3. *Appeal.* Within three days from the date of the first advertisement or call for bids, two or more employers of labor, or two or more members of a labor organization, or the awarding officer or official, or five or more residents of any town in which the public works are to be constructed, may appeal to the Board of Appeal, which shall be composed of the Commissioner of Labor, the Highway Commissioner, and the

Employment Director, from a wage determination, or a classification of employment as made by the commissioner, by serving on the commissioner a written notice to that effect. Thereupon the commissioner shall immediately cause the Board of Appeal to hold a public hearing on the commissioner's action appealed from. The Board of Appeal shall render its decision not later than three days after the closing of the hearing. The decision of a majority of the Board of Appeal shall be final and notice thereof shall be given forthwith to the appellants and the awarding official or public body.

The question being on the amendment.

(Discussion ensued)

Mr. Gage of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 411, An act making appropriations for capital improvements for the State of New Hampshire, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 412, An act authorizing a state bond issue to reimburse the state treasury for certain relief expenditures, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 413, An act relative to taking brook trout in Sunapee lake and certain waters in the towns of Pittsburg and Clarksville, with the recommendation that the bill be referred to the Committee on Fisheries and Game.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 414, An act relating to arrests, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 415, An act relative to the salary of the secretary of the State Board of Health, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 62, Joint resolution providing for training meetings for forest fire wardens, with the recommendation that the



joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 74, An act relating to reimbursement of towns.

House Bill No. 384, An act to dissolve the People's Savings Bank of Manchester and to repeal its charter.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill.

Senate Bill No. 8, An act providing for the acceptance of a gift of land and buildings on Mount Prospect, in the town of Lancaster, as a memorial to John Wingate Weeks.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 50, An act relating to salt water fish.

### **Senate Bill Read and Referred**

Senate Bill No. 50, An act relating to salt water fish.

Read a first and second time and referred to the Committee on Fisheries and Game.

### Resolution

Mr. Wiggin of Manchester offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the New Hampshire Apprentice Council, Monday Afternoon, May 5.

On a *viva voce* vote the resolution was adopted.

### Order Vacated

On motion of Mr. Wiggin of Manchester the order whereby House Bill No. 402, An act relative to establishment of a state budget director was referred to the Committee on Judiciary was vacated and the bill referred to the Committee on Appropriations.

### Unfinished Business

Mr. Myhaver of Peterborough called for the unfinished business, it being the motion

That the rules be suspended and that the order whereby House Bill No. 288, An act relating to county commissioners in Hillsborough county, was referred to the special committee consisting of the delegation from the county of Hillsborough, be vacated and the bill be referred to the Committee on Revision of the Statutes.

The question being on the motion.

(Discussion ensued.)

Messrs. Myhaver of Peterborough, Atherton of Nashua, and Wiggin of Manchester spoke in favor of the motion.

Messrs. Wadleigh of Milford, Chase of Manchester, Sweeney of Ward 2, Nashua, Velishka of Nashua, Tilton of Ward 4, Laconia, and Betley of Manchester spoke against the motion.

Mr. St. Francois of Nashua asked for a division.

A division being had, 103 members voted in the affirmative and 156 members voted in the negative, and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting having voted either in the affirmative or the negative, no valid action was taken and the motion did not prevail.

### Resolution

Mr. Myhaver of Peterborough offered the following resolution :

*Resolved*, That the Special Committee consisting of the delegation from the county of Hillsborough, be instructed to report House Bill No. 288, An act relating to county commissioners in Hillsborough county, within four weeks.

The question being on the resolution.

(Discussion ensued.)

Mr. Myhaver of Peterborough spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Guay of Laconia, the rules were suspended and business in order at 3:00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, and joint resolutions by their captions was made in order.

House Bill No. 121, (in new draft and new title), An act relating to the poll tax on soldiers and sailors.

House Bill No. 175, An act relative to taking black bass from Sunapee lake.

House Bill No. 182 (in new draft), An act relating to accident and health insurance policies.



House Bill No. 244, An act relating to the predetermination by the commissioner of labor of the minimum wages of employees in public works.

House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay.

House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Robertson of Hinsdale, at 12:36 o'clock the House adjourned.

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THURSDAY, APRIL 17, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. McGowan, Frain, Anderson, Provencher, Haley, Mahoney of Manchester, Fernald of Rochester, Mason of Keene, Rollins of Alton, Velishka, Wilcox, Sullivan of Nashua, Dupont of Pembroke were granted leaves of absence for the day on account of important business.

Messrs. Cronin of Dover, Clarke of Canaan and Delisle of Manchester were granted leaves of absence for the day on account of illness.

Mr. O'Brien of Manchester was granted leave of absence for the day to attend a funeral.

Messrs. Sullivan, LeBlanc and Landry of Nashua were granted leaves of absence for Tuesday, April 22, on account of important business.

Mr. Berthiaume of Derry was granted leave of absence for the next two weeks on account of illness.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 14, An act relating to insurance companies.

Senate Bill No. 21, An act relative to municipal permit fees for certain agricultural vehicles.

House Bill No. 242, An act relating to the taxation of personal property.

Senate Bill No. 52, An act relative to taking brook trout in Patridge lake in Littleton.

House Bill No. 404, An act legalizing certain meetings of the Boscawen Penacook water district.

The report was accepted.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 291, An act relating to the financial responsibility of ski tow operators, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 240, An act relating to the counting of ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tarlson of Laconia, for the Committee on Industrial School, to whom was referred House Joint Resolution No. 6, Joint resolution for improvements at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tarlson of Laconia, for the Committee on Industrial School, to whom was referred House Joint Resolution No. 7, Joint resolution to complete alterations to old main building at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Tarlson of Laconia, for the Committee on Industrial School, to whom was referred House Joint Resolution No. 8, Joint resolution for the construction of hospital facilities at the State Industrial School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Military Affairs, to whom was referred House Joint Resolution No. 29, Joint resolution relating to bomb proof shelters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by State Defense Counsel.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 26, An act relating to license fees for the taking of fish and game, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 57, An act relating to small claims, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 258, An act relating to small claims, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 113, An act relating to small claims procedure after judgment, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Lord of Gilford, for the Committee on Laconia State School, to whom was referred House Joint resolution No. 22, Joint resolution making an appropriation for a vegetable greenhouse at the Laconia State School, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 28, An act relative to the terms of office of the board of probation, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 392, An act relative to the operation of non-resident pleasure motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 391, An act relating to attaching of motor vehicle plates, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 308, An act relating to motor vehicles carrying passengers for hire, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the committee.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Transportation.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 399, An act providing for an open season for taking elk, reported the same in new draft with the recommendation that the bill in its draft be recommitted to the committee.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the committee on Fisheries and Game.

Mr. Kenney of Loudon, for the Committee on Agriculture, to whom was referred House Bill No. 217, An act relating to the conservation of soil and forest resources, and the prevention and control of soil erosion, reported the same in new draft and with new title with the recommendation that the bill in its new draft and title be recommitted to the committee.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Agriculture.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 8, An act relating to the annual report of the insurance commissioner to the secretary of state, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by adding the following new sections:

2. Amend said chapter 271 by inserting after section 21 the following new section:

21a. *Reports from Companies.* He shall annually secure from each domestic company and keep on file in his office the following statistics relating to such companies; payments to each of its officers for services, indebtedness to each officer for services, the sum allowed to officers and agents for travel and for services while adjusting losses, and such other facts as he may require.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 40,



An act relative to the powers of the New Hampshire Fire Insurance Company, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out section 1 and inserting in place thereof the following: 1. *Authority Granted.* Amend section 1, chapter 97 of the Laws of 1869, as amended by chapter 234 of the Laws of 1909, chapter 259 of the Laws of 1915, chapter 281 of the Laws of 1917, chapter 280 of the Laws of 1925, chapter 297 of the Laws of 1931 and chapter 308 of the Laws of 1937 by striking out said section and inserting in place thereof the following: Section 1. That Ezekiel A. Straw, James A. Weston, Samuel N. Bell, Albert H. Daniels, Samuel Upton, George B. Chandler, Clinton W. Stanley, David Gillis, John S. Harvey, Woodbury F. Prescott, William D. Knapp, Moses R. Emerson, John F. Chase, and their associates, successors and assigns be and they hereby are incorporated and made a body politic by the name of the New Hampshire Fire Insurance Company, to be located at Manchester, in said state, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance and conducting insurance business specified in paragraphs I and II of section 1 of chapter 272 of the Public Laws as amended by section 1 of chapter 135 of the Laws of 1931 and section 1 of chapter 128 of the Laws of 1937 (Commissioners' Report, paragraphs I and II, section 1, chapter 313) and for the purpose of making and effecting any insurance business in which corporations of a similar nature now or hereafter by law may engage.

Amend said bill by inserting after section 1 the following new section: 2. *Repeal.* Amend chapter 90 of the Laws of 1870 by striking out the whole of said chapter.

Further amend by renumbering section 2, section 3. The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Hobbs of North Hampton, for the Committee on Insurance, to whom was referred House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out section 1 and inserting in place thereof the following: 1. *Authority Granted.* Amend section 1 of chapter 172 of the Laws of 1874, as amended by section 2 of chapter 161 of the Laws of 1885, chapter 262 of the Laws of 1915, chapter 298 of the Laws of 1917, chapter 228 of the Laws of 1921 and chapter 296 of the Laws of 1931, by striking out said section and inserting in place thereof the following: Section 1. That Frank Jones, Edwin Wallace, Samuel C. Fisher, John W. Sanborn, Charles H. Sawyer, Alvah W. Solloway, George H. Stowell, Thomas G. Jameson and John F. Cloutman, and their associates, successors and assigns be and they are hereby incorporated and made a body politic by the name of the Granite State Fire Insurance Company, to be located within this state where the board of directors may determine, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance and conducting insurance business specified in paragraphs I and II of section 1 of chapter 272 of the Public Laws as amended by section 1 of chapter 135 of the Laws of 1931 and section 1 of chapter 128 of the Laws of 1937 (paragraphs I and II, section 1, chapter 313, commissioners' report) and for the purpose of making and effecting any insurance

business in which corporations of a similar nature now or hereafter by law may engage.

Amend by adding after section 1 a new section to read as follows:

2. *Repeal.* Amend section 5 of chapter 172 of the Laws of 1874, as amended by section 6 of chapter 161 of the Laws of 1885, by striking out said section.

Further amend by renumbering section 2 to read section 3.

The report was accepted.

The bill with the amendment pending was laid up on the table to be printed in accordance with Rule 48.

Mr. Condon of Newport, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 45, Joint resolution in favor of Fred Bergeron of Keene, reported the same with the following amendments, with the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "six hundred forty-eight dollars and seven cents (\$648.07)" and inserting in place thereof the words and figures, seven hundred forty-eight dollars and seven cents (\$748.07), and by striking out the words and figures "five hundred dollars (\$500)" and inserting in place thereof the words and figures, six hundred dollars (\$600), and by adding at the end the words, for said sum. The sums hereby appropriated shall be in full settlement of the above claims.

That the sum of seven hundred forty-eight dollars and seven cents (\$748.07) be and hereby is appropriated to compensate Fred Bergeron of Keene for expenses and permanent disability in connection with injuries to the hand of his son, Howard Bergeron, caused while operating a printing press at the Keene Teachers' College on March 28, 1939, as follows: Six hundred dollars (\$600) to Fred Bergeron; fifty-four



dollars to John J. Broshahan, M. D.; thirty-five dollars to Robert M. Holmes, M. D.; and fifty-nine dollars and seven cents to Elliot Community Hospital. The governor is hereby authorized to draw his warrant upon any money in the treasury not otherwise appropriated, for said sums. The sums hereby appropriated shall be in full settlement of the above claims.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc., reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the same and inserting in place thereof the following: An act relating to bedding and upholstered furniture.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 1. *Manufacture and Sale of Bedding, Pillows and Upholstered Furniture.* Amend section 58 of chapter 162 of the Public Laws by striking out the whole of said section and inserting in place thereof the following:

53. *Labels; Use of Undisinfected Second Hand Materials Prohibited.* No person shall manufacture for purposes of sale, sell, offer or expose for sale, or having in possession with intent to sell, any mattress, pillow, cushion, muf bed, quilt, upholstered furniture or similar article having a filling of hair, down, feathers, wool, cotton, kapok or other material, unless there is plainly marked upon each such article, or upon a tag of some durable substance sewed thereon, or otherwise securely attached thereto, a statement of the kind of material used for filling in the manufac-

ture of such article, the name of the manufacturer or vendor, and also, if the material has been previously used, the words, second hand. Provided, that no second hand materials, the use of which is not prohibited under section 61 hereof and which may be deemed by the state board of health suitable for reuse, shall be used unless the same have been disinfected by a method or methods approved by the said board.

2. *Second Hand Material Prohibited.* Amend section 62 of chapter 162 of the Public Laws (section 62, chapter 189, commissioners report) by striking out the whole of said section and inserting in place thereof the following:

62. *Labelling Material; Sale or Distribution of Undisinfected Second Hand Material Prohibited.* No person engaged in the business of selling any hair, down, feathers, wool, cotton, kapok or other materials commonly used for filling such articles, shall ship any box, crate, package or other container in which is placed any such hair or other such material unless there is attached thereto a tag containing a statement of the contents of the package together with the name of the vendor, and, if the material has been used before, with the words, second hand. Provided, that no person shall ship, sell or use for the purposes named in this chapter any second hand materials, not being prohibited under section 61 hereof and deemed by the said board suitable for reuse, which have not been disinfected by a method or methods approved by the said board.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with rule 48.

Mr. Osborne of Sunapee for the Committee on Appropriations, to whom was referred House Bill No. 346, An act establishing a commission to study the problem

of establishing a retirement plan for state employees, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Duties.* It shall be the duty of the commission to make a study of the desirability of establishing a retirement plan for state employees and a study of state participation in any present or proposed retirement plan for other public employees, including employees of towns, cities or other municipal subdivisions. The findings and report of the commission shall be filed prior to the next legislative session with the secretary of state, who shall make such distribution thereof as the governor may order. The report shall include a draft of any appropriate legislation which the commission may recommend.

Amend section 3 of said bill by adding after the word "state" the words, and from towns, cities or other municipal subdivisions, so that said section as amended shall read as follows: 3. *Power to Collect Data.* The commission is hereby authorized and empowered to collect such data from departments and institutions of the state and from towns, cities or other municipal subdivisions, as may appear to be necessary for the purposes hereof.

The report was accepted.

Mr. O'Shan of Laconia moved that the bill with the accompanying amendment be indefinitely postponed.

The question being on the motion of Mr. O'Shan.

(Discussion ensued)

Mr. O'Shan of Laconia spoke in favor of the motion.

Messrs. Hunter of Hanover, Matson of Concord and Wiggin of Manchester spoke against the motion.

Mr. Carter of Manchester moved the previous question.



The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. O'Shan of Laconia demanded the yeas and nays, but subsequently withdrew his demand and asked for a division.

A division being had 19 members voted in the affirmative and 225 members voted in the negative, the motion to indefinitely postpone did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Marshall of Northumberland for the Committee on Agriculture, to whom was referred House Bill No. 286 (in new draft), An act relative to grading of eggs, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Grading of Eggs.* Amend section 1 of chapter 60 of the Laws of 1935 (section 1, chapter 194, commissioners report) by striking out paragraphs V, VI and VII and inserting in place thereof the following: V. "Large" eggs shall mean eggs having an average weight of not less than twenty-four ounces per dozen with no egg or eggs below the rate of twenty-three ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of twenty-two ounces per dozen. VI. "Medium" eggs shall mean eggs having an average weight of not less than twenty-one ounces per dozen with no

egg or eggs below the rate of twenty ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of nineteen ounces per dozen. VII. "Pullet" or "small" eggs shall mean eggs having an average weight of not less than eighteen ounces per dozen with no egg or eggs below the rate of eighteen ounces per dozen. A tolerance of not more than one egg per dozen shall be allowed in this classification, but eggs under this tolerance shall weigh not less than at the rate of seventeen ounces per dozen.

2. Amend section 1 of chapter 60 of the Laws of 1935 by striking out paragraph IX and inserting in place thereof following: IX. "Unclassified" or "Not sized" eggs shall mean eggs which have not been sorted or graded to size.

3. *Repeal.* Paragraph II of section 6 of chapter 60 of the Laws of 1935 (paragraph II of section 6, chapter 194, commissioners report) relative to tolerance as to size of eggs, is hereby repealed.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with rule 48.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 416, An act relative to purchases by counties, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 417, An act relating to the New Hampshire Congregational-Christian Conference, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 418, An act relating to Weare Reservoir, Deering Lake and Trickling Falls Reservoir, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Ways and Means.

Mr. Wiggins of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 419, An act relating to revision of the primary laws for towns, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 393, An act relative to small claims courts and procedure thereunder, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, a minority of the Committee on Revision of the Statutes, to whom was referred House Bill No. 393, An act relative to small claims courts and procedure



thereunder, having considered the same, and being unable to agree with the majority, report the same, with the recommendation that the bill ought to pass.

ARTHUR F. STURTEVANT,  
BEN O. ALDRICH,  
HARRY B. TUTTLE,  
HENRY M. MOFFETT,

*A Minority of the Committee.*

The report was accepted.

Mr. Tuttle of Atkinson moved that the report of the minority, "ought to pass," be substituted for the report of the majority, "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued.)

Mr. Batchelor of Keene spoke against the motion.

Messrs. Osborne of Concord, and Betley of Concord, spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Batchelor of Keene asked for a division.

A division being had, 43 members voted in the affirmative and 207 members voted in the negative and the motion to substitute did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 19, An act relating to the register of deeds for Strafford County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred Senate

Bill No. 19, An act relating to the register of deeds for Strafford County, reported the same with the recommendation that the bill ought to pass.

THOMAS W. FECTEAU,  
EDWARD J. MALEY,  
HENRY M. MOFFETT,  
HILDA C. F. BRUNGOT,  
ALFRED L. GUAY,  
JOSEPH J. BETLEY,  
PATRICK J. O'CONNELL,  
RUDOLPHE CORMIER,  
ROBERT E. CARTER,  
*A Minority of the Committee.*

Mr. Boucher of Somersworth moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Boucher of Somersworth, Conrad of Rochester, Carter of Manchester and Tilton of Ward 4, Laconia, spoke in favor of the motion.

Mr. Smart of Durham spoke against the motion.

Mr. Nadeau of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate" prevailed.

Mr. Smart of Durham offered the following amendment:

Amend said bill by adding after section 1 the following new section:

2. *Office Assistant.* Amend section 15, chapter 40 of the Public Laws, as amended by chapter 77, Laws of 1935 (section 17, chapter 49, commissioners' report) by striking out said section and inserting in place thereof the following:

15. *Assistant.* Said register may employ an office assistant who shall receive an annual salary of not less than one thousand and forty dollars. Said annual salary shall be paid from the fees received by the register by virtue of his office.

Further amend said bill by renumbering sections 2 and 3 to read sections 3 and 4.

The question being on the amendment.

(Discussion ensued)

Mr. Smart of Durham spoke in favor of the amendment.

Mr. Tilton of Ward 4, Laconia, spoke against the amendment.

On a *viva voce* vote the amendment was not adopted, and the bill ordered to a third reading.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10:00 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 11:00 o'clock.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the



following entitled bills, sent up from the House of Representatives:

House Bill No. 14 (in new draft), An act relating to insurance companies.

House Bill No. 242, An act relating to the taxation of personal property.

House Bill No. 404, An act legalizing certain meetings of the Boscawen Penacook water district.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 21, An act relative to municipal permit fees for certain agricultural vehicles.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 35, An act relating to definitions and standards under the food and drug law.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 74, An act relating to reimbursement of towns.

Amend section 1 of said bill by inserting after the word "lands" in the fourteenth line the words, or interest therein in such town if the same had been included.

On motion of Mr. Mock of Webster the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate has passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 52, An act relative to taking brook trout in Partridge lake in Littleton.

#### Senate Bill Read and Referred

Senate Bill No. 52, An act relative to taking brook trout in Partridge lake in Littleton.

Read a first and second time.

Mr. Noyes of Bethlehem moved that the rules be suspended, the printing of the bill and its reference to a committee be dispensed with.

The question being on the motion of Mr. Noyes.

(Discussion ensued)

Mr. Noyes of Bethlehem spoke in favor of the motion.

Mr. Cotton of Barnstead moved that the bill be referred to the Committee on Fisheries and Game.

On a *viva voce* vote the motion did not prevail.

The question being on the motion of Mr. Noyes.

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

#### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles and joint resolution by its caption, made in order.

House Bill No. 346, An act establishing a commission for studying the problem of establishing a retirement plan for state employees.

House Bill No. 391, An act relating to attaching of motor vehicle plates.

House Bill No. 392, An act relative to the question of non-resident pleasure motor vehicles.

House Joint Resolution No. 45, Joint resolution in favor of Fred Bergeron of Keene.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 52, An act relative to taking brook trout in Partridge lake in Littleton.

Senate Bill No. 28, An act relative to the terms of office of the board of probation.

Senate Bill No. 19, An act relating to the register of deeds for Strafford county.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

Mr. Boucher of Somersworth moved that the House reconsider its vote whereby it passed Senate Bill No. 19, An act relating to the register of deeds for Strafford county.

On a *viva voce* vote the motion to reconsider did not prevail.

On motion of Mrs. Cooper of Nashua at 1:06 o'clock the House adjourned.

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SATURDAY, APRIL 19, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, April 19, 1941.

Mr. Donald B. Matson,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*



There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 22, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### **Joint Convention**

Major Albert S. Baker, 197th Coast Artillery (AA) Camp Hulen, Texas, addressed the Convention.

On motion of Senator Page of District No. 6, the Convention rose.

### **House Qualified**

Albert S. Baker, having qualified before His Excellency the Governor, appeared and took his seat as a member of the House.

### **Leaves of Absence**

Messrs. Coleman of Newington and Haley of Holderness were granted leaves of absence for the day on account of attending a funeral.

Messrs. Shaheen of Dover, Pellétier of Keene, Betley of Manchester, Evans of Kensington, Jewell of Wolfboro, Pulsifer of Campton, Barton of Lempster, and Bass of Peterborough, and Miss Bailey of Newport were granted leaves of absence for the day on account of important business.

Messrs. Sullivan of Manchester, Anderson of Manchester, Tilton of Ward 4, Laconia, and Philbrick of Belmont were granted leaves of absence for the week on account of important business.

Mr. Holden of Hanover was granted leave of absence for the week on account of a death in the family.

Mr. Pennell of Exeter was granted leave of absence for the week on account of illness.

Mr. Callahan of Keene was granted leave of absence for Wednesday on account of attending a funeral.

Messrs. Nickerson of Madison, Veroneau of Concord, and Cryan of Lancaster were granted leaves of absence for the week on account of important business.

Messrs. Nadeau and Hebert of Somersworth, and Atherton of Nashua were granted leaves of absence for the week on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 28, An act relative to the terms of office of the board of probation.

House Bill No. 3, An act authorizing the city of Portsmouth to provide pensions for certain employees of the public schools.

House Bill No. 35, An act relating to definitions and standards under the food and drug law.

House Bill No. 74, An act relating to reimbursement of towns.

House Bill No. 384, An act to dissolve the People's Savings Bank of Manchester and to repeal its charter.

The report was accepted.

Mr. Mills of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 223, An act relating to investments by fiduciaries, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Blandin of Bath for the Committee on Judiciary, to whom was referred House Bill No. 255, An act relating to the opening of the polls, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Banfield of Moultonborough for the Committee on Judiciary, to whom was referred House Bill No. 137, An act relating to posting the time of opening and closing the polls at elections, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Higley of Acworth moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Higley of Acworth spoke in favor of the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Banfield of Moultonborough for the Committee on Judiciary, to whom was referred House Bill No. 26, An act relative to sessions for the correction of check-lists in the town of Lebanon, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.



Mrs. Cooper of Nashua for the Committee on Judiciary, to whom was referred House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Perkins of Pittsfield, for the Committee on Judiciary, to whom was referred House Bill No. 349, An act to authorize the Conway Village fire district to pay to Charles F. Robinson compensation for personal injuries under the provisions of chapter 195 of the Laws of 1939, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Wiggin of Conway moved that the bill and its accompanying report be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Wiggin of Conway spoke in favor of the motion.

Mr. Upton of Concord spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being on the resolution of the committee, that the bill ought to pass.

On a *viva voce* vote the resolution was adopted and the bill ordered to a third reading.

Mr. Phelps of Andover for the Committee on Forestry and Recreation, to whom was referred House Bill No. 277, An act to create district forest advisory boards, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 394, An act relating to the selection of probation officers, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Marshall of Northumberland for the Committee on Agriculture, to whom was referred House Bill No. 286, in new draft, An act relative to grading of eggs, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment as printed in the Journal of April 17, was adopted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 397, An act relative to the fish and game department and activities thereof, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Powers of Conservation Officers.* Amend paragraph VI of section 18, chapter 196, Public Laws, (paragraph VI, section 18, chapter 231, commissioners' report) as inserted by section 1, chapter 123, Laws of 1935, by striking out the whole of said paragraph and inserting in place thereof the following:

VI. To search without a warrant and examine in the field, in the highway or on the stream, any person, or any boat, conveyance, vehicle, game bag, game coat, creel, so-called fish house or bob house, crate, box, locker, or other receptacle, in the presence of the

occupant if reasonably possible, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals subject to forfeiture, are concealed thereon or therein.

Amend section 18 by striking out the word, "fifteen" in the fifteenth line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows:

18. *Bounties.* Amend section 36, chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935 (section 36, chapter 232, commissioners' report) by striking out said section and inserting in place thereof the following:

36. *Bobcats and Lynxes.* Any person who shall kill in this state any wild cat of the species known as bobcat, or lynx, may deliver the carcass thereof, in the same condition as when killed, to any conservation officer or the director, with a sworn statement that it was killed in this state within forty-eight hours, and giving the date and place of the killing thereof, and upon request, shall accompany the officer to the precise spot where the same was killed. Said fish and game officer shall thereupon report to the director, who, being satisfied that the same was killed in this state, shall certify the killing to the governor. The governor is hereby authorized to draw his warrant upon the fish and game fund for the payment of twenty dollars for each bobcat or lynx so killed, reported and certified. The ears of such animal shall be punched by said fish and game officer with a punch to be furnished to him for the purpose by the director. If the animal is a lynx, the carcass with the pelt thereon shall be returned to its killer. If the animal is a bobcat, the officer shall cause the skin to be removed from the carcass and shall forward the skin to the director. The director shall sell such skins and re-



turn all moneys received therefor to the state treasurer to be credited to the fish and game fund.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Ways and Means under the rules.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc., reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment as printed in the Journal of April 17.

(Discussion ensued.)

Mr. Winslow of Chesterfield spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Winslow of Chesterfield offered the following amendment.

Further amend said bill by renumbering section 3 to read section 4 and inserting a new section, to read as follows: 3. *False Representation*. Amend section 63 of said chapter 162 (section 63, chapter 189, commissioner's report) by striking out said section and substituting in its place the following:

63. *False Representation*. No person shall manufacture for sale, distribute for sale, sell or possess for sale any of the articles or materials named in sections 58 and 62 herein which are falsely labelled as to materials or which contain or include reused material not approved or not renovated as required by the State Board of Health, nor shall any person sell or offer for sale any such material which has been used before, representing the same to be new material.

The amendment was adopted and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 8, An act relating to the annual report of the insurance commissioner to the secretary of state, reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment as printed in the Journal of April 17 was adopted, and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company, reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted, and the amendment, as printed in the Journal of April 17, was adopted and the bill ordered to a third reading.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company, reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted and the amendment as printed in the Journal of April 17, was adopted and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 420, An act relative to fees for motor vehicle road service and tourist service, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Insurance.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 421, An act relative to the retirement system for firemen, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 422, An act relating to the election of county officers, with the recommendation that the bill be referred to the Committee on Towns and Counties.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Towns and Counties.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 3, An act authorizing the city of Portsmouth to provide pensions for certain employees of the public schools.

House Bill No. 206, An act relating to the sale of beverages on election days after the polls are closed.

The message also announced that the Senate refused to concur with the House of Representatives in the



passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 48, An act prohibiting certain combinations of business by insurance companies.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Whereas*, the Pilgrim Fathers early instituted the custom of observing a day of Thanksgiving and prayer, and

*Whereas*, the first Thanksgiving Day Proclamation of George Washington selected the last Thursday in November for observance, and

*Whereas*, since 1863, when Abraham Lincoln formalized the tradition of the last Thursday in November with a definite proclamation, it has remained so with each proclamation until the year of our Lord 1939, therefore be it

*Resolved*, That the House of Representatives, the Senate concurring, go on record as favoring United States Senate Bill S 360, a bill declaring the last Thursday in November of each calendar year a nation, legal, and public holiday known as Thanksgiving Day everywhere within the jurisdiction of the United States, and be it further

*Resolved*, That the Secretary of State be instructed to send a copy of this resolution to each of our Senators and Representatives in Congress upon its passage.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 23, An act relating to the biennial referendum.

Senate Bill No. 43, An act providing for alternate jurors in certain cases.

### Senate Bills Read and Referred

Senate Bill No. 23, An act relating to the biennial referendum.

Read a first and second time and referred to the Committee on Liquor Laws.

Senate Bill No. 43, An act providing for alternate jurors in certain cases.

Read a first and second time, and referred to the Committee on Judiciary.

### Committee Report

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 19, An act relating to the register of deeds for Strafford county, reported the same under Joint Rule No. 6, with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the first three lines and inserting in place thereof the following:

1. *Register of Deeds, Strafford County.* Amend section 14 of chapter 40 of the Public Laws (section 16, chapter 49, commissioners' report) by striking out said section and inserting in place thereof the following:

Amend section 2 by striking out said section and inserting in place thereof the following:

2. *Repeal.* Sections 15, 16 and 17 of said chapter 40 (sections 17, 18 and 19 of said chapter 49) relative to disposition of fees and salary of office assistant, are hereby repealed.

On motion of Mr. Hayes of Dover, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Resolutions

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That the Committee on Banks be allowed the use of Representatives' Hall on Wednesday, April 30, at 2 P. M., for a continued hearing on House Bill No. 396, An act to authorize restricted branch banking.

On a *viva voce* vote the resolution was adopted.

Mr. Callahan of Keene offered the following resolution:

*Resolved*, That when the House adjourns today it be in honor of Mr. Wheeler of Swanzey who is celebrating his seventy-fifth birthday.

On a *viva voce* vote the resolution was adopted.

Mr. Gile of Hanover offered the following resolution:

The House having learned with sorrow of the death of Mrs. Charles A. Holden, wife of the member from Hanover, the Speaker is hereby authorized to appoint a committee to draw up suitable resolutions to be presented to the bereaved family, and the Clerk be instructed to send flowers.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs, Hunter, Gile of Hanover, Hamilton of Lisbon, Wadleigh of Milford and Wiggin of Manchester.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, made in order.



House Bill No. 8, An act relating to the annual report of the insurance commissioner to the secretary of state.

House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company.

House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company.

House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc.

House Bill No. 277, An act to create district forest advisory boards.

House Bill No. 286, An act relating to grading of eggs.

House Bill No. 349, An act to authorize the Conway Village Fire District to pay to Charles F. Robinson compensation for personal injuries under the provisions of chapter 195 of the Laws of 1939.

House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School.

House Bill No. 394, An act relating to the selection of probation officers.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Bourn of Exeter at 12:30 o'clock the House adjourned.

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WEDNESDAY, APRIL 23, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absense

Mr. Baker of Concord was granted leave of absence until further notice on account of being out of the state.

Messrs. Hamilton of Lisbon and Witherill of Cornish were granted leave of absence for the day to attend a funeral.

Messrs. Currier of Danville, Palmer of Plaistow, Canty of Portsmouth, Hayes of Barrington, Brennan, Jackson, Courchene of Dover, Studley of Rochester, Berry of Strafford, Hayes of Tuftonboro, Brown of Gilmanton, Lemire, Reil of Franklin, Dupont of Pembroke, Graham of Antrim, Provencher, Roy, Healy, Lesmerises, Dowd of Manchester, Sayers of Keene, Mrs. Decker of Claremont and Mr. Sawyer of Woodstock were granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 423, An act relating to unincorporated societies and lodges, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 424, An act relative to terms of court for the county of Carroll, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 214, An act relating to the rules and regulations of the liquor

and beverage laws, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *First Class Restaurants.* Amend chapter 3 of the Laws of the special session of 1934 by adding after section 20 (section 21, chapter 167, commissioners' report) the following new section: 20-a. *Special Permit for Sunday Sales.* The commission may issue to any first class restaurant, as hereinafter defined, a special permit which will authorize the permittee to sell beverages on Sundays with meals between the hours of one p. m. and nine p. m. A first-class restaurant shall be a restaurant which has been open on Sundays serving food to its patrons for one year prior to the time the application is made for the special permit hereunder. The fee for such special permit, which shall be in addition to the regular fee for on-sale permit, shall be twenty-five dollars per annum.

#### Minority Report

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 214, An act relating to the rules and regulations of the liquor and beverage laws, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM B. CONNOR,  
KENNETH ROBBINS,  
CHARLES P. COAKLEY,  
GEORGE I. LEIGHTON,  
DANIEL J. CRONIN,  
*A Minority of the Committee.*

The report was accepted.



The bill, with its accompanying reports and amendment, was laid upon the table to be printed in accordance with Rule 48.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 334, An act relating to the sale of wines by restaurants, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words "food is" in the eighth line and inserting in place thereof the words, meals are; further amend by striking out the words "April thirtieth" in the ninth line and inserting in place thereof the words, May thirty-first, so that said section shall read as follows:

1. *Restaurants.* Amend chapter 99 of the Laws of 1933 by adding after section 8 a new section to read as follows:

8a. *Special Permits.* A special permit may be issued for any restaurant the operator of which holds an on-sale permit as provided in section 8. Such special permit shall entitle the permittee to sell naturally fermented wine of an alcoholic content of not more than 14 per cent by volume provided that such sale may only be made when meals are served. Such permits shall expire May thirty-first of each year unless sooner revoked for cause by the commissioners. The fee for such special permit shall be fifty dollars per annum.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Tilton of Concord moved that the bill be indefinitely postponed.

(Discussion ensued)

Messrs. Tilton of Concord, Woodbury of Manchester, and Gage of Manchester, and Mrs. Rounds of Hill spoke in favor of the motion.

Messrs. Coakley and Comi of Concord, Kempton of Newport, Velishka of Nashua and Pickett of Keene spoke against the motion.

Mr. Noyes of Bethlehem moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. Gage of Manchester asked for a division.

A division being had 130 members voted in the affirmative and 162 members voted in the negative and the motion to indefinitely postpone did not prevail.

Mr. Gage of Manchester demanded the yeas and nays but subsequently withdrew his demand.

Mr. Rivers of Laconia demanded the yeas and nays and the roll was called with the following result:

#### YEAS 140

ROCKINGHAM COUNTY: Tuttle, Lake, Goodrich, Grinnell, Morrison, Bourn, Pennell, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Patridge, Hobbs, Johnson of Northwood, Dondero, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Smart of Durham, Webster, Longley, Hale of Rochester, Fernald, Nutter.

BELKNAP COUNTY: Nichols, Lord, Merrill of Laconia, Rivers, Ewing, Hopkins, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Grindle, Hill, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Young.

MERRIMACK COUNTY: Phelps, Morgan, Moore of Bradford, Laird, Otis, Nash, Osborne, Sturtevant, Tilton of Concord, Bunten, Matson, Upton, Milburn, Bunker, Maxfield, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Swift, Carr, Freese, Connor, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Clark of Francestown, Brown of Goffstown, Wakefield, Reynolds, Boynton, Lievens, Chase, Daniels of Manchester Ward 1, Knowlton, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, Duval, Carter of Merrimack, Wadleigh, Cooper, Davis of Nashua, Woodbury of Nashua, Shedd, Bigelow, Bass, Peaslee, Dugan.

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Robertson, Duncan, Mills, Bachelor, Frissell, Lombard, Mason of Keene, Lichman, Duffy, Hale of Rindge, Blake, Wheeler, Grimes, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Hamlin, Mark.

GRAFTON COUNTY: Rollins of Alexandria, Coolidge, Pulsifer, Clark of Canaan, Sanborn of Enfield, Davison, Adams of Lincoln, Collins of Lisbon, Blount, Downing, Bailey of Lyme, Cushman, Bell, Merrill of Plymouth, Gilbert.

COOS COUNTY: Lazure, Parkhurst, Emerson of Dalton, Kimball, Fogg of Milan, Baldwin, Weeks of Stewartstown, Taylor.

#### NAYS 178

ROCKINGHAM COUNTY: Wyman, Corson, Fecteau, Cilley, Goodale, Robbins of Fremont, Pridham, Coleman, Prescott, Sanborn of Nottingham, Barrett, Kirtledge, Foote of Portsmouth, Gray, Redden, Yeaton, McNeil, Kane of Portsmouth, Holmes, Tucker, Barron, Peever.

STRAFFORD COUNTY: Hartford, Leighton, Lucas, Bartlett of Lee, Smith of New Durham, Conrad, Beau-



doin, Potvin, Hayes of Rochester Ward 6, Habel, Boucher, Coffin.

BELKNAP COUNTY: Cotton, O'Shan, Tarlson, Guay of Laconia, Langlois, Tilton of Laconia Ward 3, Roucher, Neal, Pynn.

CARROLL COUNTY: Wiggin of Conway, Huntress, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Carter of Boscawen, Coakley, Henry, Baker, Potter, Fletcher, Clinton, Brunel, Mayo, Comi, Sullivan of Concord, Ford, Douphinett, DuDevoir, Boisvert, Perkins, Mock.

HILLSBOROUGH COUNTY: Farwell, Bartlett of Goffstown, Charois, Gleason, Gay of Hillsborough, Abbott, Morrill, Cummings, Barry, Frain, Kean, O'Neil, Creighton, Dulac, Booth, Connolly, O'Connell, Gorham, Chevette, Constant, Donnelly, Adams of Manchester, Egan, Caron, Gilmartin, Roukey, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester Ward 13, Thibodeau of Manchester, Turgeon, Ellison, Jewett, Landry, Sweeney of Nashua Ward 2, Spalding, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, St. Francois, Betters, Goyette, Sweeney of Nashua Ward 7, Cormier, Grandmaison, Wilcox, Bouthillier, Thompson, Myhaver.

CHESHIRE COUNTY: Moore of Alstead, Aldrich, Pickett, Tarbox, Doucette, Pierce, Brennan of Westmoreland.

SULLIVAN COUNTY: Higley, Barrows, Beland, Daly, Delorier, Gaffney, Marcotte, Mercier, Brigham, Barton, Bailey of Newport, Condon, Kempton, Maley, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Brown of Ashland, Blandin, Gile of Hanover, Cryan of Haverhill, Dean, Haley, Oakes, Burby, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Whitcomb, Johnson of Monroe, Day, Robbins of Thornton, Morse.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lemieux, Brungot, Christiansen, Ramsey, Bix-

by, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Weeks of Colebrook, Chandler, Fraser, Ashe, Marshall, Hutchins.

Mr. Rollins of Alton, voting yes, paired with Mr. Noyes of Bethlehem, voting no.

And the motion to indefinitely postpone did not prevail.

The bill was ordered to a third reading.

### Resolutions

Mr. Guay of Laconia offered the following resolution:

*Resolved*, That when the House adjourns today, it adjourns to meet Friday morning at 10 o'clock, and that when it then adjourns, it adjourns to meet Monday morning at 10 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

On a *viva voce* vote the resolution was adopted.

Mr. Gile of Hanover offered the following resolution:

*Whereas*, God in His infinite wisdom has taken from this life, Gertrude R. Holden, the wife of Charles Arthur Holden, and

*Whereas*, In her passing she has left the world poorer in loyalty and graciousness and a husband bereft, be it

*Resolved*, That the House of Representatives offer its deepest sympathy to their fellow member, Charles Arthur Holden, in his bereavement, and be it further

*Resolved*, That this resolution be spread upon the records, and a copy sent to the bereaved member.

EDGAR H. HUNTER,  
ARCHIE B. GILE,  
ARTHUR L. HAMILTON,  
J. WALKER WIGGIN,  
FRED T. WADLEIGH,

*Committee on Resolutions*

The resolution was unanimously adopted by a rising vote.

Mr. Smart of Ossipee offered the following resolution:

*Whereas*, April 26 is the birthday of Pauline S. Blood, wife of His Excellency, Robert O. Blood, Governor of New Hampshire,

*Therefore be it Resolved*, That the members of the House of Representatives extend their heartiest greetings, and best wishes for a happy birthday, and be it further

*Resolved*, That the Clerk procure suitable flowers for Mrs. Blood and transmit a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

Mr. Thibodeau of Wolfeboro offered the following resolution:

*Whereas*, We have learned with sorrow of the death of the father of Scott C. W. Simpson, Representative from Bartlett, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Smart of Ossipee, Grindle of Conway, Thibodeau of Wolfeboro and Huntress of Freedom, and Mrs. Banfield of Moultonborough.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 10, An act relating to taking of brook trout from Sky Pond in New Hampton.



House Bill No. 13, An act relating to support of children.

House Bill No. 115, An act to make uniform the law of warehouse receipts.

House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel.

House Bill No. 355, An act relating to the control of navigation at Rye Harbor.

House Bill No. 220, An act relating to bait and fly fishing.

House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity.

The message also announced that the Senate had voted to recall from the Governor, for further consideration, House Bill No. 357, An act relating to special meetings of County Conventions.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 13, An act relating to the support of children.

Amend section 1 by striking out the first three lines and inserting in place thereof the following:

1. *Divorce Proceedings.* Amend section 15 of chapter 287 of the Public Laws (section 15, chapter 330, commissioners report) by striking out said

On motion of Mr. Matson of Concord, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor.

Amend section 1 by striking out the first five lines and inserting in place thereof the following:

1. *Hampton Harbor Toll Bridge.* Amend section 1 of chapter 207 of the Laws of 1939 by striking out the words and figures "three hundred and fifty thousand dollars (\$350,000)" and inserting in place thereof the words and figures, four hundred and fifty thousand dollars (\$450,000), so that said section as amended shall read as follows: 1.

Amend section 5 by adding at the end thereof the following:

The general funds shall be reimbursed for such payments from net toll receipts as provided in section 8.

On motion of Mr. Daniels, Ward 1, Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel.

Amend section 2 of said bill by striking out the words "for that purpose" and inserting in place thereof the words, for the purposes set forth in section 1

Amend section 7 by striking out the word "session" where it occurs twice in the eighth line.

On motion of Mr. Osborne of Sunapee, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 206, An act relating to the sale of beverages on election days after the polls are closed.

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *Sale of Liquor and Beverages on Election Days.* Amend section 12 of chapter 3 of the Laws of 1934, as amended by chapters 13 and 68, Laws of 1935, (section 12, chapter 167, commissioners' report) by inserting after the words "election days" where they occur in the fifth and ninth lines the words, while the polls are open, so that said section as amended shall read as follows: 12. *Rules and Regulations.* Said

Further amend said section 1 by striking out the word "elections" and inserting in place thereof the words, election days, in the eighth line, and by striking out the word "when" in the twelfth line and inserting in place thereof the word, while.

On motion of Mr. Foote of Portsmouth, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 36, An act relating to town offices.

Senate Bill No. 54, An act relative to taking brook trout from certain lakes and ponds in Coos county.

#### **Senate Bills Read and Referred**

Senate Bill No. 36, An act relating to town offices.

Read a first and second time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 54, An act relative to taking brook trout from certain lakes and ponds in Coos county.

Read a first and second time.



Mr. Ashe of Northumberland moved that the rules be suspended, the printing of the bill and its reference to a committee, be dispensed with.

The question being on the motion of Mr. Ashe.

(Discussion ensued.)

Messrs. Ashe of Northumberland and Guay of Laconia, and Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Cotton of Barnstead spoke against the motion.

On a *viva voce* vote the motion prevailed and the bill was ordered to a third reading.

### Personal Privilege

Mr. Nadeau of Rochester rose to a point of personal privilege and stated he was unavoidably detained when the roll was called on House Bill No. 334, An act relating to the sale of wines by restaurants, and had he been present he would have voted Yes on the question.

On motion of Mr. Guay of Laconia, business in order at three o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills, by their titles, and final passage at the present time, was made in order.

House Bill No. 334, An act relating to the sale of wines by restaurants.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 54, An act relative to taking brook trout from certain lakes and ponds in Coos county.

Read a third time and passed and sent to the Secretary of State to be engrossed.

FRIDAY, APRIL 25, 1941

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On motion of Mr. Duncan of Jaffrey at 12:30 o'clock the House adjourned.

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FRIDAY, APRIL 25, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Friday, April 25, 1941.

Mr. Erwin E. Cummings,  
Lyndeborough, N. H.

DEAR SIR:

I shall be unable to attend the session on Friday morning. Will you kindly preside for me and oblige.

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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MONDAY, APRIL 28, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Monday, April 28, 1941.

Mr. William Barron,  
Salem, N. H.

DEAR SIR:

I shall be unable to attend the session on Monday morning. Will you kindly preside for me and oblige.

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, APRIL 29, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Anderson of Manchester, Fernald of Rochester, Carter of Merrimack, Hopkins of Laconia, Brunel of Concord, Swift of New London, Healey and Sullivan of Manchester were granted leave of absence for the day on account of important business.

Messrs. Jewell of Wolfeboro and Davison of Haverhill were granted leave of absence for the day to attend a funeral.

Messrs. Adams and Frain of Manchester, and Nadeau of Rochester were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Sayers of Keene, Hebert of Somersworth, Jean and Carroll of Manchester were granted leaves of absence for Thursday on account of important business.

Messrs. Rivers of Laconia and Patridge of Newfields were granted leaves of absence for the week on account of illness.

Messrs. Carrier of Nashua, Stewart of Manchester, Tilton of Laconia, Ward 4, Ford of Danbury, and Clark of Harrisville were granted leaves of absence for the week on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had ex-



amined and found correctly engrossed the following entitled bills:

Senate Bill No. 19, An act relating to the register of deeds for Strafford county.

Senate Bill No. 54, An act relative to taking brook trout from certain lakes and ponds in Coos county.

House Bill No. 13, An act relating to support of children.

House Bill No. 143, An act to prevent officials from buying property from themselves for the city, county or state.

House Bill 206, An act relating to the sale of beverages on election days after the polls are closed.

House Bill No. 344, An act relating to the reconstruction of a toll bridge at Hampton Harbor.

House Bill No. 345, An act providing for the construction of a sea wall situated in the town of Hampton between Haverhill street and a point opposite the Ashworth Hotel.

House Bill No. 355, An act relating to the control of navigation at Rye Harbor.

The report was accepted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 365, An act regulating the sale, transfer and possession of pistols, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 189, An act relating to the issuance of off-sale permits to grocery stores opened for business on Sunday, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 64, An act relating to licenses to hunt and fish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 281, An act prohibiting the possession of firearms by aliens, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 81, An act relative to the sale of liquor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Callahan of Keene moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Callahan of Keene spoke in favor of the motion.

Mr. Sweeney of Ward 7, Nashua, spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 266, An act relative to spruce grouse and chukar partridge, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Velishka of Nashua offered the following amendment.

Amend section 1 of the printed bill by inserting after the word, non-resident, in the fifth and sixth lines the words, further amend by inserting after the word selectman in the ninth line the words, or the mayor; further amend by inserting after the word, selectman, in the twenty-second line the words, or the mayor, so that said section as amended shall read as follows:

1. *License to Carry.* Amend section 6 of chapter 149 of the Public Laws by inserting after the word person in the second line the words, who is a resident therein, or by the superintendent or some person designated by him in the department of the State Police, if a non-resident; further amend by inserting after the word selectman in the ninth line the words, or the mayor, so that said section as amended shall read as follows:

6. *License to Carry.* The selectmen of a town or the mayor or chief of police of a city may, upon application of any person who is a resident therein, or by



the superintendent or some person designated by him in the department of the State Police, if a non-resident, issue a license to him to carry a loaded pistol or revolver in this state, for not more than one year from the date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the selectmen, or the mayor, or chief of police for one year.

The question being on the amendment.

(Discussion ensued.)

Mr. Velishka of Nashua spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 399 (in new draft), An act providing for an open season for taking elk, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Cummings of Lyndeborough offered the following amendment.

Amend section 2 by striking out paragraphs II, IV, V.

Further amend said section by striking out paragraph VI and inserting in place thereof the following:

VI. Not more than six hundred licenses shall be issued in any one year. The procedure for ascertaining to whom licenses shall be issued shall be as follows: On the fifteenth day of November the year

elk hunting is permitted, the names of all residents holding hunting licenses shall be typewritten on separate pieces of paper and placed by the director, in the presence of the attorney general or his official representative, one member of the state senate and one member of the house of representatives, chosen by the attorney general, in a bowl of at least twelve inches in depth with an opening not exceeding six inches. The contents of the bowl shall be thoroughly mixed and names shall then be drawn from the bowl by one of the three above named persons, as determined by the attorney general. The person so drawing out the names shall be blindfolded when so drawing out said names. The names as drawn out shall be recorded in the order of being drawn and each person shall be notified within forty-eight hours. If the person so drawn does not care to take advantage of the privilege of hunting elk he shall, within five days so notify the director, and more names shall be drawn until six hundred have accepted.

Further amend section 2 by striking out paragraph VIII.

The question being on the amendment.

(Discussion ensued.)

Mr. Cummings of Lyndeborough spoke in favor of the amendment.

Mr. Nelson of Winchester spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Cummings asked for a division.

A division being had 73 members voted in the affirmative and 187 members voted in the negative, the amendment was not adopted.

The bill was ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 232, An act relating to industrial homework, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole of said section and inserting in place thereof the following:

1. *Definitions.* Words used in this act shall be construed as follows:

I. "To manufacture" includes to prepare, alter, repair, or finish in whole or in part.

II. "Person" includes a corporation, co-partnership or a joint association.

III. "Employer" means any person who, directly or indirectly or through an employee, agent, independent contractor, or any other person, delivers to another person any materials or articles to be manufactured in a home and thereafter to be returned to him, the employer, not for the personal use of the employer or of a member of his family.

IV. "Home" means any room, house, apartment, or other premises, whichever is most extensive, used in whole or part as a place of dwelling.

V. "Industrial homework" means any manufacture in a home of materials or articles for an employer.

VI. "Commissioner" means the commissioner of labor.

VII. *Exceptions.* Nothing contained in this act shall be construed as applying to the New Hampshire commission of arts and crafts, or to persons engaged in making articles for it, or to activities of the depart-



ment of public welfare relative to the blind or persons engaged in such activities.

Amend section 2 by striking out the figures "\$25" in the fifth line and inserting in place thereof the figure, \$5; further amend section 2 by striking out the figures "\$50" in the sixth line and inserting in place thereof the figures, \$10, so that said section as amended shall read as follows:

2. *Employer's Permit.* No materials for manufacture by industrial homework shall be delivered to any person in this state unless the employer so delivering them, or his agent, has obtained an employer's permit from the labor commissioner. Such permit shall be issued upon payment of a fee of \$5 to employers who are bona fide taxpayers of New Hampshire, and upon payment of a fee of \$10 to all other employers, and shall be valid for a period of one year from the date of its issuance unless sooner revoked or suspended. Application for such permit shall be made in such form as the labor commissioner may by regulation prescribe. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial homework to a person who is not in possession of a homemaker's certificate, issued in accordance with this act. The labor commissioner may revoke or suspend an employer's permit if he finds that the employer has violated this act or has failed to observe or comply with any provision of his permit.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with rule 48.

Mr. Bilodeau of Nashua for the Committee on Insurance, to whom was referred House Bill No. 68, An act relating to the issue of non-assessable policies by

mutual fire insurance companies, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted.

The bill in its new draft was read a first and second time, and laid upon the table to be printed.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred Senate Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Pulsifer of Campton offered the following amendment.

Amend section 2 of said bill by inserting after the word "retailer" in line 4 of the printed bill the words, or any retailer who advertises, offers to sell or sells at retail any such item at more than twice the total cost at the retail outlet, so that said section as amended shall read as follows:

2. Any retailer who, with intent to injure competitors or destroy competition, advertises, offers to sell or sells at retail any item of merchandise at less than cost to the retailer, or any retailer who advertises, offers to sell or sells at retail any such item at more than twice the total cost at the retail outlet, or any wholesaler who, with intent as aforesaid, advertises, offers to sell or sells at wholesale any item of merchandise at less than cost to the wholesaler, shall, if the offender is an individual, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both; or, if the offender is a corporation, by a fine as aforesaid. Evidence of any advertisement, offer to sell or sale of any item of mer-

chandise by any retailer or wholesaler at less than cost to him, as herein defined, shall be prima facie evidence of intent to injure competitors or destroy competition.

The question being on the amendment.

(Discussion ensued)

Mr. Pulsifer of Campton spoke in favor of the amendment.

Messrs. Seymour of Carroll, Wiggin of Manchester, and Morse of Warren spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 214, An act relating to the rules and regulations of the liquor and beverage laws, reported the same with an amendment, as printed in the Journal of April 23, and the recommendation that the bill as amended ought to pass.

The undersigned, a Minority of the Committee on Liquor Laws, to whom was referred House Bill No. 214, An act relating to the rules and regulations of the liquor and beverage laws, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

DANIEL J. CRONIN,  
GEORGE I. LEIGHTON,  
JOHN C. TILTON,  
WILLIAM B. CONNOR,  
KENNETH ROBBINS,  
CHARLES P. COAKLEY,  
*A Minority of the Committee.*

The report was accepted.

Mr. Robbins of Thornton moved to substitute the report of the minority "inexpedient to legislate" for the



report of the majority "ought to pass with amendment."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Robbins of Thornton, Nash and Coakley of Concord, Leighton and Hayes of Dover, and Hayes of Rochester, spoke in favor of the motion.

Messrs. Kempton of Newport and Sullivan of Concord spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass with amendment" prevailed.

The question being on the resolution of the minority of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 143 (in new draft), An act to prevent public officials from buying property from themselves for the city, county or state.

The message also announced that the Senate had voted to concur with the House of Representatives in

its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 19, An act relating to the register of Deeds for Strafford County.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 48, An act relating to taxation of airport property.

Senate Bill No. 49, An act providing for airport zoning.

Senate Bill No. 60, An act to authorize banks and other institutions to act as agents for the sale of United States Defense bonds.

#### **Senate Bills Read and Referred**

Senate Bill No. 48, An act relating to taxation of airport property.

Senate Bill No. 49, An act providing for airport zoning.

Severally read a first and second time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 60, An act to authorize banks and other institutions to act as agents for the sale of United States Defense bonds.

Read a first and second time and referred to the Committee on Banks.

Mr. Atherton of Nashua moved that the rules be suspended, the printing of the bill and its reference to a committee be dispensed with, and the bill be put upon its third reading and final passage at the present time.

The question being on the motion of Mr. Atherton.

(Discussion ensued)

Mr. Atherton of Nashua spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was then read a third time and passed and sent to the Secretary of State to be engrossed.

### Resolution

Mr. Merrill of Laconia offered the following resolution:

*Resolved*, That this House having learned with regret of the serious illness of Harry J. Rivers, our fellow member from Laconia, that its sympathy be extended to him and

*Be it further resolved*, That the Clerk be instructed to procure flowers and send him a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

### Personal Privilege

Mr. Callahan of Keene rose to a point of personal privilege and stated that he was absent when the House voted to pass House Bill No. 344, An act relating to the sale of wines by restaurants, and desired to be recorded as voting No on the question.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third readings of bills, by their titles, made in order.

House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver.

House Bill No. 266, An act relative to spruce grouse and chukar partridge.

House Bill No. 399 (in new draft), An act providing for an open season for taking elk.

Severally read a third time and passed and sent to the Senate for concurrence.



Senatet Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Lazure of Berlin at 12.50 o'clock the House adjourned.

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WEDNESDAY, APRIL 30, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Cotton of Barnstead, Daniel of Ward 13, and Anderson of Manchester, Leighton of Dover, and Brennan of Westmoreland, were granted leaves of absence for the day on account of important business.

Messrs. Aldrich of Keene, O'Brien and McGowan of Manchester, Labranche and Rousseau of Newmarket, Keenan of Dover, Hayes of Barrington, and Hale of Rindge, were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. McNeil, Canty, Kittredge, Barrett and Kane of Portsmouth, Courchene and Jackson of Dover, Smith of New Durham, Hobbs of North Hampton, Boisvert of Pembroke, Getz, Roukey and O'Neil of Manchester, Barton of Lempster, Bailey of Newport, Hodge of Franconia, Weeks of Colebrook, and Hayes of Berlin were granted leaves of absence for Thursday on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 60, An act to authorize banks and other institutions to act as agents for the sale of United States Defense Bonds.

House Bill No. 251, An act relating to the state board of accountancy.

House Bill No. 314, An act relating to exemption of members of the legislature from paying bridge toll.

The report was accepted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 21, (in new draft and new title), An act relating to discharge of liens, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. St. Francois of Nashua moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. St. Francois of Nashua and Clark of Canaan spoke in favor of the motion.

Messrs. Osborne of Concord, Velishka of Nashua, and Carter of Manchester spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. St. Francois of Nashua asked for a division.

A division being had 66 members voted in the affirmative and 173 members voted in the negative, the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Bill No. 338, An act relative to instruction for forest fire wardens, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 58, Joint resolution providing for a special committee to secure federal aid for the elimination of certain dangerous railroad crossings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 22, Joint resolution making an appropriations for a vegetable greenhouse at the Laconia State School, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate. Subject matter covered in capital budget.

The report was accepted, and the resolution of the committee adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 171, An act relative to the teachers' retirement system, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted, and the resolution of the committee adopted.

Mr. Tilton, Ward 3, Laconia, for the Committee on Appropriations, to whom was referred House Bill No. 166, An act relative to state aid for school districts, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 379, An act making provision for the state to cooperate and participate in the administration of the so-called stamp plan and school lunch program of the federal government, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Condon of Newport, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 62, Joint resolution providing for training meetings for forest fires wardens, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shall and anadromous of the Atlantic seaboard, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 343, An act relating to the election of representatives to the general court, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 417, An act relating to the New Hampshire Congregational - Christian Conference, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 418, An act relating to Weare Reservoir, Deering Lake and Trickling Falls Reservoir, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth for the Committee on Ways and Means, to whom was referred House Bill No. 397, An act relative to the fish and game department and activities thereof, reported the same without recommendation.

The report was accepted.

On motion of Mr. Shedd of New Boston the bill was ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 425, An act relating to the highway department six year budget and state aid for Class V highways, with the recommendation that the

bill be referred to the Committee on Public Improvements.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 68, An act relating to the issue of non-assessable policies by mutual fire insurance companies, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The report was accepted and the bill in its new draft ordered to a third reading.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 271, An act relating to sewerage systems, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

1. *Sewerage System.* For the defraying of the cost of construction, management, maintenance, operation, reconstruction, replacement and repair of city sewers and sewer systems, including treatment and disposal works, and for the payment of the interest and principal on any debt incurred to pay such costs, the mayor and alderman may establish a scale of rents to be called sewer rents, which shall be paid by the owner or owners of real estate connected by sewage drains with city sewers and sewer systems, or whose real estate receives special benefit therefrom in any way. The mayor and aldermen may prescribe the manner in which and the time at which such rents are to be paid and collected and may change the scale of rents from time to time as may be deemed advisable. Such rents may be based upon the metered consump-



tion of water on the premises connected with the sewer system, the number and kind of plumbing fixtures connected with the sewer system, the number of persons served by the sewer system or upon any other equitable basis. Funds raised from sewer rents shall be used only for the purposes prescribed in this section.

2. *Notice.* Notice of the charges for sewer rents shall be given to the owner or owners of real estate chargeable therefor in such manner as the mayor and aldermen shall prescribe. The procedure for the abatement of sewer rents and for appeals in case of neglect or refusal to abate shall be as prescribed by sections 8, 9 and 10, chapter 95, Public Laws.

3. *Lien.* All charges for sewer rents shall become a lien upon the real estate served by the city sewer system or the real estate on account of which they are charged. Such lien shall continue for one year from the last item charged in said sewer rents and may be enforced by suit in behalf of the city against the owner or owners of such real estate. In case an appeal has been taken and the charges sustained in whole or in part, such lien shall continue until the expiration of one year from such decision. The record of the charge for sewer rents made by the city shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of such real estate.

4. *Powers of Mayor and Aldermen.* Amend chapter 95 of the Public Laws (chapter 111, commissioners' report) by adding after section 3 the following new section:

3-a. *Rules and Regulations.* The mayor and aldermen may adopt rules and regulations pertaining to the use of the sewerage system and other regulations relating to the system as in their judgment the sewer-

age system, pumping station, treatment plant or other structure demands for proper maintenance and/or operation. Any person wilfully violating such regulations shall be fined not more than ten dollars for each day of neglect or refusal after written notice has been given.

5. *Application.* The above sections of this act shall apply only to the cities of Concord, Laconia and Portsmouth; and sections 5, 5-a, 5-b, 6, 7 and 11, chapter 95, Public Laws, as amended by chapter 98, Laws of 1933 (sections 5 to 9, inclusive, and 13, chapter 111, commissioners' report) shall not apply to said cities.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 413, An act relative to taking brook trout in Sunapee lake and certain waters in the towns of Pittsburg and Clarksville, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word, "only", in the second line the following, from May first to October first, so that said section as amended shall read as follows: 1. *Seven Inch Trout.* Brook trout not less than seven inches in length may be taken with and by the use of artificial flies only from May first to October first in Coon Brook Bog and its tributaries; Round pond and its tributaries, Scott's Bog and its tributaries; East Inlet to the Second Connecticut lake and its tributaries, all in the town of Pittsburg, and Clarksville pond in Clarksville.

Amend section 2 by striking out the words, "April fifteenth" in the second line and inserting in place thereof the words, May first, so that said section as amended shall read as follows:

2. *Sunapee Lake.* Brook trout not less than ten inches in length may be taken in Sunapee Lake from May first to September first and by artificial flies only during the month of September.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 416, An act relative to purchases by counties, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word "order" in the tenth line and inserting in place thereof the word, delivery; further amend by inserting after the word "total" in the tenth line the word, order, so that said section as amended shall read as follows:

1. Amend chapter 38 of the Public Laws (chapter 47, commissioners report) by inserting after section 7 the following new section: 7-a. *Competitive Bidding.* Any purchase of equipment or materials made by a county in an amount exceeding fifty dollars shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than fifty dollars but the total order exceeds that



amount shall be construed as coming within the provisions hereof requiring competitive bidding.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 232, An act relating to industrial homework, reported the same with an amendment, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment as printed in the Journal of April 29.

Mr. Pennell of Exeter moved that the bill with the accompanying amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Pennell of Exeter, Keay of Kensington, and Prescott of Newton spoke in favor of the motion.

Messrs. Gage of Manchester and Comi of Concord, and Mrs. Bourn of Exeter spoke against the motion.

Mr. St. Francois of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

Mr. Osborne of Concord asked for a division.

A division being had 167 members voted in the affirmative and 82 members voted in the negative, the motion to indefinitely postpone the bill and the accompanying amendment prevailed.

Mr. Comi of Concord demanded the yeas and nays, but subsequently withdrew his demand.

Mr. Pulsifer of Campton, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 370, An act relative to payment of fines and costs in motor vehicle violations and certain other violations of law, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by inserting after the word "felony" in the eleventh line the words, and except such costs as may be assessed under section 20, chapter 322 of the Public Laws; further amend by striking out the words "and costs" in the sixteenth and seventeenth lines; further amend by striking out the word "twenty" in the nineteenth line and inserting in place thereof the word, ten; further amend by striking out the words "and costs" in the twentieth line, so that said section as amended shall read as follows:

1. *Municipal Courts.* Amend section 11 of chapter 134 of the Laws of 1937, as amended by chapter 198, Laws of 1939 (section 10, chapter 144, commissioners report) by striking out said section and inserting in place thereof the following: 11. *Disposition of Rewards.* Any fee for the performance of an act in line of duty or reward for the apprehension or the conviction of any person, or for the recovery of any property, received by or payable to any employee, shall be paid by him to the commissioner of motor vehicles who shall immediately forward the same to the state treasurer. All fines and costs assessed against any violator of law apprehended or prosecuted by a police employee, except such as may be assessed against persons committing or attempting to commit a felony and except such costs as may be assessed under section 20, chapter 322 of the Public Laws, shall be sent, except as hereinafter provided, by the court collecting the same from such law violator, to the commissioner of

motor vehicles within five days from their payment, and by him immediately paid into the state treasury. The commissioner of motor vehicles shall forward to the superintendent such information as he may direct relative to said fees, fines and costs. In case of fines collected hereunder by a municipal court which would under the provisions hereof be payable to the commissioner of motor vehicles the municipal court shall, before forwarding, deduct therefrom ten per cent of said fines and shall forward the same to the town treasurer of the town wherein said court is located. The sums so paid into the town treasury shall be used for expenses of the municipal court and any balance thereof shall be for the use of the town.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred House Bill No. 370, An act relative to payment of fines and costs in motor vehicle violations and certain other violations of law, and being unable to agree with the majority report the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

PATRICK J. O'CONNELL,  
ROBERT E. CARTER,  
RUDOLPHE CORMIER,  
ALFRED L. GUAY,  
EDWARD J. MALEY,  
JOSEPH BETLEY,

*A Minority of the Committee.*

The report was accepted.

Mr. Carter of Manchester moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass with amendment."

The question being on the motion to substitute.

(Discussion ensued)



Messrs. Carter and Betley of Manchester spoke in favor of the motion.

Messrs. Wyman of Candia, Palmer of Plaistow, Grinnell and Morrison of Derry spoke against the motion.

Mr. Osborne of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the report of the minority "inexpedient to legislate" for the report of the minority "ought to pass with amendment," did not prevail.

The question being on the report of the committee that the bill ought to pass with amendment.

Mr. Carter of Manchester asked for a division but subsequently withdrew his request.

Mr. Carter of Manchester asked to be recorded as voting against the bill.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Committee of Conference

Mr. Adams of Lincoln, for the Conference Committee, to whom was referred House Bill No. 322, An act relative to unemployment compensation, reported the same with the recommendation that the Senate recede from its position in adopting its amendments and that the House recede from its position of non concurrence and that the Senate and House adopt the following amendment.:

Amend section 16 of said bill by striking out the whole thereof and inserting in place thereof the following:

16. *Benefit Eligibility Conditions.* Amend section 3 D of said chapter 179-A by striking out the whole of the same and inserting in place thereof the following: D. Prior to any week for which he receives benefits he must have been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week in which he earns no wages in excess of two dollars) for a waiting period of two weeks, except as provided in the following sentence, within the same benefit year and fulfilled the other requirements of this section. If the unemployment compensation fund shall have reached the amount of eight million dollars and shall have been maintained at that figure for the next two succeeding full months, the initial waiting period from the end of said two months to April 1, 1943, shall be one week and after said date shall be two weeks. No individual shall be required to accumulate more than two waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purpose of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection: (1) If benefits have been paid with respect thereto; (2) Unless it occurs after benefits could become payable to any individual under this chapter; (3) Unless he has annual earnings of two hundred dollars within the base period in accordance with section 1-P (2).

Amend section 24 of said bill by inserting before the word "leaving" where it occurs in the fourth and twenty-third lines the word, voluntarily, and by inserting after the word "employer" in both of said lines the

words, without good cause attributable to such employer, so that said section as amended shall read as follows:

24. *Separate Accounts.* Amend section 6-C of said chapter 179-A by inserting the following after the first paragraph of said section: If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attributable to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no charge against that last employer, and benefits paid to the individual shall be charged against the fund, so that as amended said section shall read as follows: C. *Separate Accounts.* The commissioner shall maintain a separate account for each employer and shall credit his account with all contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer. If it is proven to the satisfaction of the commissioner that an individual after voluntarily leaving the employment of an employer, without good cause attributable to such employer, but before the beginning of a compensable week, works within or without the state and earns in employment not subject to this chapter in any one week wages computed to the nearest dollar equal to



or in excess of two dollars more than his weekly benefit amount and that such subsequent employment was not given expressly for the purpose of evading the benefit charges then, there shall be no charge against that last employer, and benefits paid to the individual shall be charged against the fund. Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless objections to said charges are received within six months after the effective date of this section.

If objections to such charges are received, any re-determination of the amounts charged against an employer's account, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address. The commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

Amend section 47 of said bill by striking out the same and inserting in place thereof the following:

47. *Effective Date.* This act shall take effect upon its passage provided that sections 3-a, 4, 9, 22 and 28 shall be deemed effective as of January 1, 1941, and further provided that benefits for all payable weeks ending after the date of the passage of this act shall be

paid and treated in all respects in accordance with the provisions of the unemployment compensation law as amended by this act.

SHERMAN ADAMS,  
RAY E. TARBOX,  
DONALD G. MATSON,  
GEORGE H. DUNCAN,  
CHARLES P. COAKLEY,

*Conferees on the part of the House.*

BLAKE T. SCHURMAN,  
EDMOND J. MARCOUX,  
JOHN H. LEAHY,

*Conferees on the part of the Senate.*

Mr. Hunter of Hanover moved that the House concur in the report of the Committee of Conference.

The question being on the motion to concur.

(Discussion ensued)

Mr. Adams of Lincoln spoke in favor of the report.

On a *viva voce* vote the report of the committee was adopted.

### Reconsiderations

Mr. Lievens of Hollis served notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted inexpedient to legislate, House Bill No. 21 (in new draft and new title), An act relating to discharge of liens.

Mr. Comi of Concord served notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted to indefinitely postpone House Bill No. 232, An act relating to industrial homework.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 251, An act relating to the state board of accountancy.

House Bill No. 314, An act relating to exemption of members of the legislature from paying bridge toll.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 283, An act relative to accounts of administrators and executors.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 10, An act relating to taking of brook trout from Sky Pond in New Hampton.

Amend section 1 by striking out the same and inserting in place thereof the following:

1. *Taking Brook Trout from Sky Pond.* Amend paragraph IV of section 2 of chapter 201 of the Public Laws, as inserted by chapter 50 of the Laws of 1941 by inserting after the word "Franklin" the words, Sky Pond, New Hampton, so that said paragraph as amended shall read as follows: IV. Scobie's Pond, Derry; Scott's Bog, Pittsburg; Show Pond, Franklin; Sky Pond, New Hampton; Stirrup Iron Pond, Salisbury; Stonehouse Pond, Barrington; Swift River, Tamworth; White Pond, Ossipee.



On motion of Mr. Shedd of New Boston the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 115, An act to make uniform the law of warehouse receipts.

Amend said bill by striking out the words "Part I," "Part II," "Part III," "Part IV" and "Part V," where they occur.

Amend section 10 of said bill by striking out the word "subdivisions" where it occurs in said section and inserting in place thereof the word, paragraphs.

On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity.

Amend section 1 by striking out the same and inserting in place thereof the following:

1. *Brook Trout, Fly Fishing.* Amend paragraph II of section 2 of chapter 201 of the Public Laws, as inserted by chapter 50 of the Laws of 1941 by striking out said paragraph and inserting in place thereof the following: II. Echo lake, Conway; Ellis river beginning at the south side of the covered bridge at Jackson village thence upstream to the junction of the Wildcat and Ellis rivers; the Wildcat river from its junction with the Ellis river upstream to a marker one hundred yards south of the Fairview bridge, so called, at the head of Jackson Falls; the Wildcat river from a marker two hundred yards north of Fairview bridge, so called, upstream to a cement bridge commonly known as Gill bridge on the so-called Five Mile Circuit

road; Hunkins pond, Sanbornton; James pond, Tamworth.

On motion of Mr. Simpson of Bartlett the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 9 (in new title and new draft), An act for the licensing of real estate brokers and salesmen.

Senate Bill No. 33, An act in amendment of chapter 60, section 26 of the Public Laws.

#### **Senate Bills Read and Referred**

Senate Bill No. 9 (in new title and new draft), An act for the licensing of real estate brokers and salesmen.

Senate Bill No. 33, An act in amendment of chapter 60, section 26 of the Public Laws.

Severally read a first and second time and referred to the Committee on Judiciary.

#### **Resolution**

Mr. Smart of Ossipee offered the following resolution:

*Whereas*, the members of this House of Representatives have learned with sorrow of the death of Scott Andrew Simpson, father of Scott C. W. Simpson, Representative from Bartlett, therefore be it

*Resolved*, That we extend to our colleague our heartfelt sympathy in this great loss which has come to him, and be it further

*Resolved*, That the Clerk of the House transmit to our bereaved member a copy of these resolutions.

HARRY P. SMART,  
RALPH L. GRINDLE,  
GEORGE F. THIBODEAU,  
EDITH D. BANFIELD,  
FRED HUNTRESS,  
*Committee on Resolutions.*

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, and joint resolution by its caption, made in order.

House Bill No. 68, (in new draft), An act relating to the issue of non-assessable policies by mutual fire insurance companies.

House Bill No. 343, An act relating to the election of representatives to the General Court.

House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shell and andromous of the Atlantic seaboard.

House Bill No. 370, An act relative to payment of fines and costs in motor vehicle violations and certain other violations of law.

House Bill No. 379, An act making provision for the state to cooperate and participate in the administration of the so-called stamp plan and school lunch program of the federal government.

House Bill No. 397, An act relative to the fish and game department and activities thereof.



House Bill No. 413, An act relative to taking brook trout in Sunapee lake and certain waters in the towns of Pittsburg and Clarksville.

House Bill No. 416, An act relative to purchases by counties.

House Bill No. 417, An act relating to the New Hampshire Congregational-Christian Conference.

House Bill No. 418, An act relating to Weare Reservoir, Deering Lake and Trickling Falls Reservoir.

House Joint Resolution No. 62, Joint resolution providing for training meetings for forest fire wardens.

Severally read a third time, passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Dupont of Pembroke withdrew his request for reconsideration on House Bill No. 6, An act relating to workmen's compensation waiting period, and House Bill No. 5, An act relating to workmen's compensation.

(Mr. Wadleigh of Milford in Chair)

On motion of Mr. Jewett of Milford at 1.32 o'clock the House adjourned.

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THURSDAY, MAY 1, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Tilton of Concord, Pulsifer of Campton and Cram of Unity were granted leaves of absence for the day on account of illness.

Messrs. Dupont of Pembroke, Conway of Manchester, Aldrich of Keene, Whittier, Lemire and Riel of Franklin, Clark of Frankestown, Jewett of Stratham,

Palmer of Plaistow, Collins of Littleton, Shedd of New Boston, Myhaver of Peterborough, Hinchy of Berlin, Wilcox and Sullivan of Nashua, Delisle, Jr., of Manchester, and Wiggin of Conway were granted leaves of absence for the day on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 by striking out the word "of" in the eleventh line.

Amend section 4 by striking out the words "sections one to seven, inclusive" and inserting in place thereof the words, this act.

Amend section 5 by striking out the words "of sections one to seven, inclusive, said sections" and inserting in place thereof the words, of this act, this act.

Amend section 6 and section 7 by striking out the words "sections one to seven, inclusive" and inserting in place thereof the words, this act.

Amend section 8 by inserting at the end thereof the word, passage.

On motion of Mr. Condon of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendments.

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 18, An act defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition.

House Bill No. 10, An act relating to the taking of brook trout from Sky pond in New Hampton.

House Bill No. 72, An act relating to sales, investments by trustees of estates.

House Bill No. 302, An act relating to the taking of fish in certain streams in Jackson and vicinity.

House Bill No. 413, An act relative to taking brook trout in Sunapee lake and certain waters in the towns of Pittsburg and Clarksville.

The report was accepted.

Mr. Boynton of Hillsborough, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 60, Joint resolution making appropriation for the Y.D. Convention to be held in the city of Manchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 110, An act fixing the date of the biennial primary election, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.



Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 152, An act creating a state board of registrars of voters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Mills of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 310, An act relative to the form of the ballot for general elections, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 269, An act relating to the revocation or suspension of licenses to sell liquor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 204, An act relative to subrogation under workmen's compensation law, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Chase of Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Chase of Manchester and Noyes of Bethlehem spoke in favor of the motion.

Messrs. Betley of Manchester, Upton, Osborne and Comi of Concord, Adams of Lincoln, Velishka of Nashua, Blandin of Bath and Gile of Hanover spoke against the motion.

Mr. St. Francois of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion of substitute.

On a *viva voce* vote the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the words and figures "eight hundred dollars (\$800)" in the first line and inserting in place thereof the following, five hundred dollars (\$500) so that said resolution as amended shall read as follows: That the sum of five hundred dollars (\$500) be and hereby is appropriated to compensate William R. Stevens of the town of Piermont for accidental injuries suffered by him on June 10, 1939, while in the employ of the state highway department. An additional sum of ninety-two dollars and fifty cents (\$92.50) is likewise appropriated to cover doctor's bills incurred by said William R. Stevens in

connection with the aforesaid accident. The sums hereinbefore appropriated shall be in full settlement of claim by said William R. Stevens for injuries received in said accident and shall be a charge upon the highway funds.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 412, An act authorizing a state bond issue to reimburse the state treasury for certain relief expenditures, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for Committee on Judiciary, to whom was referred Senate Bill No. 39, An act relating to reissuance of certain Carroll County refunding notes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Mills of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 18, An act relative to time of closing the polls at biennial elections, reported the same, in new draft and with new title, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, the bill in its new draft, with new title, was read a first and second time, and laid upon the table to be printed.

Mr. Blandin of Bath, for the Committee on Judiciary, to whom was referred House Bill No. 88, An act changing the date of the primary election, reported the same, in new draft and with new title, with the



recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, the bill in its new draft, with new title, was read a first and second time, and laid upon the table to be printed.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 271, An act relating to sewerage systems, reported the same with the amendment, as printed in the Journal of April 29, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Adams of Lincoln, for the Committee on Labor, to whom was referred House Bill No. 183, An act relating to private employment agencies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Amendment.* Amend chapter 179 of the Public Laws by striking out sections 2 to 6 inclusive and inserting in place thereof the following: 2. *Power to License.* The commissioner of labor may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, subject to the provisions hereof, and may revoke the same at pleasure. 3. *Licenses.* Licenses granted to keepers of intelligence offices shall be signed by the commissioner of labor. Every such license shall be recorded by the said commissioner in a record kept for that purpose, before delivery to the licensee. Such license shall set forth the name of the person licensed, the nature of the business, and the building or place wherein it is to be carried on, and shall continue in force until May 1 next ensuing, unless sooner revoked. 4. *Fee.* The

commissioner shall receive for each license issued such sum, not less than two dollars, as the commissioner shall deem reasonable, to be paid into the state treasury. 5. *Effect.* No license issued as aforesaid shall be valid to protect the holder thereof in a building or place other than that designated in the license unless consent to removal is granted by the commissioner.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred House Bill No. 368, An act relative to the practice of hairdressing and manicuring, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by adding the following new section: 2-A. Amend paragraph VI of section 2, chapter 162, Laws of 1937, (section 1, chapter 155, commissioners' report) by striking out the same and inserting in place thereof the following: VI. "Manicurist," any person who engages in manicuring for compensation, except a person engaged in the practice of manicuring in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institution.

Amend section 5 by striking out the word "seventeen" in the seventh line and inserting in place thereof the word, sixteen; further amend by striking out the words "sixteen hundred" in the tenth and eleventh lines and inserting in place thereof the words, one thousand; further amend by striking out the word "nine" in the eleventh line and inserting in place thereof the word, six, so that said section as amended shall read as follows: 5. *Qualifications for Licenses.* Amend section 12 of said chap-

ter 162 (section 11 of said chapter 155) by striking out paragraphs I (a) to (d) inclusive and inserting in place thereof the following: I. *Applicants*. Upon payment of the fee provided by this act applicants shall be eligible to obtain licenses as follows: (a) *Hairdresser*. Any person who is (1) at least sixteen years of age, (2) who is of good moral character and temperate habits, (3) who shall have had an education equivalent to the completion of the second grade in the public high schools of this state, (4) who has had training of at least one thousand hours extending over a school term of at least six months in a school of cosmetology, approved by the board, (5) and who has passed the hairdresser's examination or any person who has complied with the requirements of (1), (2), (3) and (5), and (6) who has served at least one year in this state as an apprentice in a hairdresser's shop, or any person who has complied with the requirements of (1), (2), (3) and (5) and either (4) or (6) for a like period in a state whose requirements are substantially the same as in this state and in which hairdressers' licensed in this state are given like recognition. On and after April 1, 1940 a person not previously licensed by the board shall be entitled to a license without examination only if said person can furnish proof of having been actively engaged in the practice of hairdressing in this state for a continuous period of at least two years during the period from September 1, 1930, to September 1, 1937. (b) *Manicurist*. Any person who has complied with the requirements of (1), (2) and (3) as above set forth and in addition thereto (4) has completed a course of at least six weeks, including at least one hundred and fifty hours of professional training in manicuring in a school approved by the board and (5) who has passed the manicurist examination or any person who has



complied with the requirements of said (1), (2), (3) and (5) and as (6) as apprentice in a shop has, in the opinion of the board, received the equivalent of the course specified in (4) hereof, or any person who has complied with the requirements of (1), (2), (3) and (5) and either (4) or (6) for a like period in a state whose requirements are substantially the same as in this state and in which manicurists licensed in this state are given like recognition. On and after April 1, 1940, a person not previously licensed by the board as a manicurist may be entitled to a license without examination only if such person can furnish proof of having actively been engaged in the practice of manicuring in this state for a continuous period of at least two years during the period from September 1, 1930 to September 1, 1937.

Amend section 7 by striking out in the sixth line the words "sixteen hundred" and inserting in place thereof the words, one thousand; further amend by striking out the word "nine" in the seventh line and inserting in place thereof the word, six, so that the same shall read as follows: 7. *Requirements.* Amend section 13 of said chapter 162 (section 12 of said chapter 155) by striking out the same and inserting in place thereof the following: 13. *Approved Schools.* No school of hairdressing in this state shall be approved by said board unless it has minimum requirements of a continuous course of study of one thousand hours distributed over a period of not less than six months, including practical demonstrations, written and oral tests, and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics and disinfectants, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Schools must provide a separate room for class work and instruction and at

least one separate room for supervised practice. Each school shall have in good working order all apparatus and equipment necessary for the full and ready teaching of all subjects included in the required curriculum. Schools must keep daily record of attendance and study of each student, of the hours spent in each practical operation, and the number of tests given. A monthly report of such attendance, study, practice and hours, attested to be correct by the signature of both the student and instructor, shall be mailed to the board at the end of each month. All records of a student's progress in the school shall be open for inspection by members of the board at any time during class hours. All brushes, combs, towels, instruments, and applicators must be cleaned and disinfected by a method approved by the board's rules and regulations, after each use. All students must wear clean and washable uniforms during class hours. Suitable containers for soiled towels, brushes, combs, and other soiled instruments must be provided, and suitable containers must be supplied for freshly laundered towels, and air-tight cabinets for disinfected utensils. Floors must have washable coverings. No person shall be engaged to instruct in any of the branches of hairdressing, and cosmetology or manicuring as defined in this act unless approved and licensed as a hairdresser instructor by the board, after having passed an examination as such instructor and having paid the required fee, except that occasional lecturers on specialized subjects shall not require such examination, approval or license.

Amend section 8 by striking out in the fourteenth line the words "after three months from enrollment date" and by striking out in the eighteenth line the word "six" and inserting in place thereof the word, three, so that the same shall read as follows: 8.

*Students and Apprentices.* Amend section 15 of said chapter 162 (section 14 of said chapter 155) by striking out the same and inserting in place thereof the following: 15. *Registration; Compensation.* All students enrolled in registered schools shall, within fifteen days after entering upon their course of study, be registered with the board by such school. Students at registered schools may, within such fifteen-day period, register with the board. Every apprentice must, within fifteen days after the beginning of his apprenticeship, file with the board the name and place of business of his employer, the date and commencement of such apprenticeship, and the full name, age and address of said apprentice. No fee shall be required for registration of students and apprentices. Students may practice on paying customers but only under the direct supervision of an instructor, and with the full understanding by the customer that the work is to be done by a student, and at a reduced price. An apprentice may practice on a paying customer after three months from enrollment date, but only under the direct supervision of his employer, and with the full understanding by the customer that the work is to be done by an apprentice, and at a reduced rate. A school or shop may pay a student or apprentice for any services rendered by him.

Amend section 13 by striking out the whole and inserting in place thereof the following: 13. *Takes Effect; Exceptions.* This act shall take effect upon its passage, provided, however, that any students or apprentices already enrolled as such or any person holding an operator's license, under the provisions of Chapter 162, Laws of 1937, at the time of the passage of this act, shall not be required to have the additional educational or other qualifications herein provided, be-



fore receiving a hairdresser's license hereunder, and provided, further, that this act shall not apply in towns of one thousand population or less.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48. Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 59, An act providing for the improvements at Rye Harbor, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all of said bill after section 1 and inserting in place thereof the following:

2. *Conditions.* Amend said chapter 207 by striking out section 2 and inserting in place thereof the following: 2. *Expenditure.* The appropriation made by section 1 shall be expended by the highway department, under the direction of the governor and council for the purposes of (1) improvement of the area between the present location of the Ocean Boulevard at Rye Harbor and the proposed new construction and (2) for dredging and improvement of Rye Harbor and no funds shall be expended for the second purpose until the improvement provided for by (1) has been completed. The appropriation made by section 1 shall not be available unless and until the town of Rye appropriates the sum of ten thousand dollars for improvements and dredging at Rye Harbor.

3. *Payment of Bond Issue.* Amend said chapter 207 by inserting after section 6 the following new section: 6-a. *Continuance of Tolls on Hampton Harbor Toll Bridge.* Tolls shall be collected upon the reconstructed Hampton Harbor toll bridge, as provided by sections 6 and 8 of chapter 159 of the Laws of 1933,

as amended by chapter 50 of the Laws of 1935, and as further amended by section 4 of an act passed at the present session of the General Court, entitled "An act relating to the reconstruction of a toll bridge at Hampton Harbor," until the state shall have been reimbursed as to principal and interest for all sums that may be appropriated and spent under the provisions of this chapter 207. The charge against said tolls hereby provided shall be in addition to that provided in the above acts.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 426, An act relative to the audit of municipal accounts, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10:00 o'clock and that when it then adjourns, it adjourns to meet Tuesday morning at 11:00 o'clock.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the

amendments offered by the Committee on Engrossed Bills to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 72, (in new draft), An act relating to sales; investments by trustees of estates.

Amend said bill by inserting after section 1 the following new section:

2. *Sales*. Amend said chapter 309 (chapter 353), by inserting after section 17 the following new section: 17-a. *Sales*. Trustees shall be accountable for, and may be licensed to sell, stocks, bonds and other written evidences of debt.

Renumber section 2 to read section 3.

On motion of Mr. Osborne of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 72, (in new draft), An act relating to sales; investments by trustees of estates.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 394, An act relating to the selection of probation officers.

The message further announced that the Senate had voted to recall from the Governor for further consideration House Bill No. 220, An act relating to bait and fly fishing.



The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 326, An act relating to public welfare.

Amend section 35c by striking out the words "one hundred" and inserting in place thereof the following: twenty-five; so that said section as amended shall read as follows:

35c. *Penalties.* Any person who shall violate the provisions of section 35b shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding twenty-five dollars.

On motion of Mr. Blandin of Bath, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 322, An act relative to unemployment compensation.

Mr. Redden of Portsmouth submitted the following report:

*To the Governor, the Executive Council, the Honorable Senate and the House of Representatives of the State of New Hampshire, Greeting:*

In accordance with the provisions of chapter 116, Laws of 1931, the biennial report of the New Hampshire Shore and Beach Preservation and Development Commission is respectfully submitted to the 1941 session of the General Court.

### Membership

During the past two years there have been no changes in the membership of the commission. The terms of the commission's engineer, Daniel H. Dickinson of Concord, and the secretary, Charles Francis Adams of Hampton, expired on April 22, 1939, and each was reappointed by Governor Murphy for the six year term. The term of the president, George Ashworth, and the treasurer, Charles E. Greenman, will expire on April 22, 1941. The organization of the commission remains as it has been for the past four years.

### Activities

A number of meetings of the commission have been held and cooperative work with the national association, The American Shore and Beach Preservation Association, and The Seacoast Regional Association, carried on.

The president of our commission, Col. George Ashworth, is a director of the American Association, and at a meeting held in Hotel Ashworth, August 31, 1939, it was voted that Col. Ashworth be authorized to extend an invitation to the American Shore and Beach Preservation Association to hold its June, 1940, meeting at Hampton Beach. Col. Ashworth exercised his authority, and succeeded in obtaining a vote of the association to come here, although strong pressure was brought to bear by parties interested in a study of problems at the Great Lakes and on the California coast.

It was also voted that the entire membership of the commission be sent as delegates to the New York meeting, September 11 and 12, 1939, of the association, but only the president, vice-president and secretary were able to attend. At this meeting the gov-

ernment of the city of New York went to great pains and considerable expense to entertain its guests. The meetings were held in Hotel Lexington, where the headquarters of the association were held and the members entertained. On the second day of the meeting the officials of the city of New York took the entire party in a caravan of 39 cars on a 142 mile tour of the beaches on Long Island. With the party was Robert Moses, president of the Long Island State Park Commission; Commissioner of New York City Parks; and Chairman of New York State Council of Parks. Mr. Moses gave us the history of the Long Island Park system and outlined a glowing future for the entertainment of New York's vast population.

At the annual meeting of the commission October 2, 1939, Mr. Elihu T. Adams and Mr. Shirley S. Philbrick were chosen a committee to cooperate with the Seacoast Regional Association in preparing a program for the June meeting of the American Shore and Beach Preservation Association.

At this meeting Engineer Dickinson stated that the Federal Erosion Board had extended the time for the report of the engineers on a re-check survey of tidal conditions at Hampton Beach. The terms of the contract between the Federal Erosion Board and the engineer of this commission were printed in the 1939 report of the commission to the legislature.

At a meeting held August 3, 1939 at Hampton Beach, the commission, acting under authority of Chapter 220, Laws of 1939, appointed Mr. Edward Batchelder, a member of the Board of Selectmen of Hampton, harbormaster, with all the authority conferred by the said Chapter 220 over the waters at Rivermouth.

On April 26, 1940 the commission, cooperating with selectmen and town counsel of Hampton and the



Chamber of Commerce at Hampton Beach met at Seabrook Village where a dinner was served and emergency repair work of the damage caused by the last storm at Hampton Beach was discussed. It was voted at this informal meeting to invite the Governor and Council to hold their next council meeting at Hampton Beach where the damage by the April storm could be inspected and emergency repairs discussed. The response was favorable and later Governor Murphy and his Council came to the Beach and made a study of the damage and the remedy.

An informal meeting of the New Hampshire Shore and Beach Preservation and Development Commission, cooperating with a committee of the Seacoast Regional Association, was held at Ashworth Hotel on August 31, 1940.

All the members of the commission were present except Major Greenman; also Secretary Alvin F. Redden of the Seacoast Regional Association and Ernest A. Tucker of Rye, Chairman of the Seacoast Regional Committee on Highways and Transportation.

Mr. Redden explained the reason for the meeting, saying that the purpose of the meeting was to appoint a committee to call on State Highway Commissioner Everett in an effort to secure Federal Highway money to be used in constructing approaches to the proposed Hampton River Bridge, thereby making available the legislative grant for bridge construction.

The urgency of the new bridge construction was discussed and several other possible Federal grants which might be obtained suggested.

#### **National Association June Meeting**

The annual summer meeting of the American Shore and Beach Preservation Association was held at Hampton Beach, N. H., on June 17 and 18, 1940, with

the New Hampshire Shore and Beach Preservation and Development Commission and the New Hampshire Seacoast Regional Association acting as hosts. An afternoon session was held in the Hampton High School on June 17, a dinner session at the Hotel Ashworth the same evening, and an inspection tour of Salisbury Beach, Mass., and the New Hampshire seashore on June 18.

Mr. Frank C. Remick, vice-president of the New Hampshire Seacoast Regional Development Association, called the afternoon session to order and introduced the Rev. Floyd Kinsley, who opened the meeting with a short prayer. Next he presented Mr. James W. Tucker, Secretary of the Hampton Beach Chamber of Commerce, who welcomed the guests in behalf of the hosts and the Hampton Beach Chamber of Commerce. In concluding his address Mr. Tucker presented six problems which must be solved for the permanent safety. These problems are all within the study of the commission and their solution by the state is therefore fully approved by us. These six problems are:

1. The construction of a permanent seawall from Boar's Head to Haverhill Street.
2. The adoption of whatever remedies may be prescribed by the investigating engineers to reverse, if possible, the natural processes of erosion which are now depleting the area under discussion of sand, and bring about the process of accretion.
3. The covering of the main beach with soft sand between the east sidewalk and the highest summer hightide mark wherever an over-abundance of rocks make such a covering necessary.

4. The immediate construction of temporary boardwalks to replace the cement sidewalks destroyed by the recent storms.

5. The building of parking areas on the marshland west of Marsh Avenue in the rear of the business section.

6. The improvement of the entire area west of the proposed new sea or retaining wall, including the proposed twenty foot boardwalk adjacent to the wall, the building of commons, playsteads and seating areas between the walk and the main-traveled section of the Boulevard and the regrading and resurfacing of the Boulevard itself.

Response to the address of welcome was made by Arthur S. Tuttle, a director of the association from New York.

Following an address by J. Spencer Smith, president of the association and also president of the New Jersey Board of Commerce and Navigation, was a review of the state's activities on the coast by Daniel H. Dickinson, C. E., of Concord, New Hampshire, Chief Engineer of the State Highway Department and of the New Hampshire Shore and Beach Preservation and Development Commission, which was considered one of the finest presentations of coastal engineering throughout the meeting. He introduced his remarks with a brief history of the conditions at the Beach in the following words: "New Hampshire is credited with some nineteen miles of ocean frontage, measured as the crow flies. The northerly portion of the coast, with its rock formation, offers stern resistance to the violent storms which frequent the north Atlantic, but southerly portion, consisting of long stretches of low, sandy beach backed up by tidal marshes, is deprived



of this natural protection and is, therefore, subject to the devastating effect of wave action and tidal current.

"Extending through the barrier beach at Hampton is a shallow estuary, into which flows the Hampton River. This river, together with its tributaries, drains the marshes at the rear of the beach. The history of this estuary has been a migratory one. Records taken from the British Admiralty charts of 1776 and subsequent records from other sources show that the inlet has moved up and down the coast over a course about a mile in length during the past 150 years.

"This movement first caused erosion on the north bank and accretion on the south bank, then after reaching its northerly limit the process was reversed and the inlet moved to the south. From 1776 to 1933 the inlet had completed one full cycle and was well along on the northerly half of a second one. The seriousness of the erosion became so alarming that beginning about 1909 the local authorities expended over \$100,000 in the construction of walls and other works in an attempt to stem the inroads of the sea. These efforts, however, through inadequacy of design, proved futile and erosion continued to be progressive, undermining cottage property and washing away whole blocks at a time during periods of heavy storms.

"In January of 1933 a northeaster of unusual severity and of several days duration accompanied by a high sea, caused extensive damage at Hampton Beach and at other points along the New Hampshire coast. As a result of this storm the need for adequate shore protection became especially urgent. The local authorities were unable to cope with the situation, both on account of its magnitude and on account of the engineering problems involved. An appeal was made to the state legislature which was in session at

the time, and the legislature, recognizing the need for immediate action, provided funds for initial construction. The town of Hampton which held title to the major portion of the Hampton shore ceded to the state nearly four miles of beach front and in return the state agreed to stabilize the Hampton estuary and also to construct other shore protection works."

He then made reference to the seawall and jetties, harbor facilities, need of new bridge, the State improvements at Rye, the proposed parking space at Hampton Beach and the State bath house.

Following an address by W. Earle Andrews of New York came the showing of the moving picture, "The Ninth State."

At the evening session, following a dinner at Hotel Ashworth, the following program was presented:

*Greetings* from the Seacoast Region of New Hampshire by Hon. Oren V. Henderson, President, New Hampshire Seacoast Regional Development Association.

From the State of New Hampshire by Governor Francis P. Murphy.

*Response* by Hon. J. Spencer Smith, President, American Shore and Beach Preservation Association.

*Guest Speakers:* Major-General J. A. Woodruff, Commanding First Corps Area, United States Army Base, Boston.

Major-General J. L. Schley, Chief of Engineers, United States Army, Washington, D. C.

On Tuesday there was a tour of the seacoast region of New Hampshire which included the following automobile inspection trip to: Seabrook Beach, Hampton Beach, Great Boar's Head to Sea Wall and U. S. Coast

Guard Station at Hampton North Beach; proceed via Little Boar's Head, North Hampton and Rye Beach to Rye Harbor Jetties; proceed via Rye North Beach to Odiorne's Point, Rye (First New Hampshire Settlement); proceed on U. S. Routes No. 1A and 1B through Newcastle to the Port of Portsmouth; visit the Historic Houses in Portsmouth.

A New Hampshire clam bake was served at noon at the Portsmouth Country Club with greetings from the Hon. Kennard E. Goldsmith, Mayor of Portsmouth, and also Samuel B. Blair, Mayor of Dover. The party then proceeded to the University at Durham, where the president, Dr. Englehardt, greeted the party and refreshments were served. Thence on to Exeter by Phillips Exeter Academy grounds and buildings and back to Hampton by way of Hampton Falls.

### Hampton River Bridge

The 1939 session of the General Court authorized the construction of a new bridge spanning Hampton River and provided for the liquidation of the cost. One of the provisions of the bill, however, made the use of State funds dependent on a government grant from any federal agency. No such grant was received, however, and a new bill introduced in the 1941 session striking out that provision will soon receive the Governor's signature.

The bill also increases the appropriation from \$350,000 to \$450,000. Bonds issued will be redeemed by tolls collected for passage over the bridge. The following data from the comptroller's office shows the amount of revenue derived from tolls month by month for the past two years:



**Total Cash Collected at Hampton River Toll Bridge**

	1939	1940	1941
January . . . .	\$559.19	\$429.15	\$382.41
February . . .	448.92	555.41	692.86
March . . . . .	675.51	950.97	
April . . . . .	1,851.46	2,584.80	
May . . . . .	4,921.42	3,698.07	
June . . . . .	7,683.39	8,408.57	
July . . . . .	19,213.07	18,035.84	
August . . . .	18,371.12	19,904.67	
September ..	7,651.35	6,466.18	
October . . . .	1,832.82	1,729.79	
November ..	994.50	847.32	
December ...	534.50	540.06	
Total . . . . .	\$64,737.25	\$64,150.83	\$1,075.27

House Bill No. 345, now under consideration with excellent prospect of receiving the Governor's signature provides an appropriation of \$175,000 and authorizes the governor, with the advice of the council, to construct such sea wall or walls or other structures as may be necessary or desirable to protect the beach and state highway situated in the town of Hampton between Haverhill Street and a point opposite the Ashworth Hotel.

The work of construction is placed under the supervision and direction of the State Highway commissioner and one-half of the cost is to be a charge upon the State Highway fund.

This construction is to remedy the damage caused by the April storm of last year, and need of immediate action is necessary as a similar storm this year would work far greater damage.

### **Rye Harbor Project**

Work on the Rye Harbor Project has followed the program of stage construction as outlined in the original "Report by the Advisory Committee on the Rye Harbor Project to the State Planning and Development Commission."

The State of New Hampshire now owns Ragged Neck Point, some 3.45 acres of land extending easterly from the State Highway into the ocean, 83.8 acres of marsh land and 71.05 acres of high ground.

Two stone jetties have been constructed on the north and south sides of the harbor entrance. These jetties provide protection for the harbor area as well as for a portion of the State Highway that heretofore has been subject to more or less damage each year from ocean storms.

At the present date an hydraulic dredge is at work, under a contract authorized by the Governor and Council, excavating a channel and mooring basin that will aggregate about fourteen acres in area with a minimum depth of six feet of water at low tide. The material taken from the harbor is deposited on the marsh land on the westerly side of the highway. In the process some thirty or more acres of marsh is being filled and graded to a level just below that of the highway. Ultimately, this area is intended for use as a National Guard drill field, an emergency air plane landing field, automobile parking space, recreational ground, etc.

Present plans provide for the construction at the head of the harbor channel of a wharf with a suitable floating landing stage and runway for use the coming summer.

### **Recommendations for Future Study and Execution**

Projects for future study and recommendations we reproduce from our report to the 1939 Legislature as

important factors in the development of the New Hampshire seacoast.

1. Marsh land development, a long term program for which the present seems an opportune time to make a start.

2. Reconstruction of the scenic boulevard from the Massachusetts line to the Memorial Bridge at Portsmouth and the new interstate bridge.

3. Construction of bath houses and comfort stations at intervals along the entire coast.

4. We recommend that special consideration and study be given to the route of the Ocean Boulevard north of Odiorne's Point.

*Signed by*

CHARLES FRANCIS ADAMS,

*Secretary.*

*Approved:*

GEORGE ASHWORTH,

ELIHU T. ADAMS,

DANIEL H. DICKINSON,

CHARLES E. GREENMAN,

SHIRLEY S. PHILBRICK,

The report was accepted.

### **Resolution**

Mr. Merrill of Laconia offered the following resolution:

*Whereas*, the House has learned with sorrow of the death of our fellow member from Laconia, Harry J. Rivers.

*Therefore be it resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions and that the Clerk be instructed to send flowers.



The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Hopkins, Ewing and Merrill of Laconia, Lord of Gilford and Rogers of Tilton.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third readings of bills, by their titles, made in order.

House Bill No. 271, An act relating to sewerage systems.

House Bill No. 412, An act authorizing a state bond issue to reimburse the state treasury for certain relief expenditures.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 39, An act relating to reissuance of certain Carroll county refunding bonds.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Spaulding of Nashua at 12:20 o'clock the House adjourned.

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### SATURDAY, MAY 3, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, May 3, 1941.

Mr. J. Russ Sullivan,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, MAY 6, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Matson of Concord and O'Connell of Manchester were granted leave of absence for the day on account of important business.

Messrs. Cilley of Exeter, Hopkins and Merrill of Laconia, Nickerson of Madison, Reynolds of Greenfield, and Higley of Acworth were granted leaves of absence for Wednesday on account of important business.

Messrs. Goodale of Exeter, Roukey, Conway, Mahoney, Healey, Stewart of Manchester, and Sayers of Keene were granted leaves of absence for Thursday on account of important business.

Messrs. St. Francois of Nashua, Berry of Strafford, and Oakes of Landaff were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Patridge of Newfields, Maxwell of Henniker, Pulsifer of Campton, and Keenan and Brennan of Dover were granted leave of absence for the week on account of illness.

Messrs. Condon of Newport, and Carroll of Manchester were granted leaves of absence for the week on account of death in the family.

Messrs. Osborne of Concord, Delisle and Kean of Manchester were granted leave of absence for the week on account of important business.

Mr. Guay of Lebanon was granted leave of absence for two weeks on account of important business.

Mr. Aldrich of Keene was granted leave of absence until further notice.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 39, An act relating to reissuance of certain Carroll county refunding bonds.

House Bill No. 115, An act to make uniform the law of warehouse receipts.

House Bill No. 388, An act relative to the definition of chauffeur.

House Bill No. 389, An act relative to licenses to operate motor vehicles.

House Bill No. 391, An act relating to attaching of motor vehicle plates.

House Bill No. 392, An act relative to the operation of nonresident pleasure motor vehicles.

The report was accepted.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred House Bill No. 246, An act enlarging the powers of the Barbers' Examining and Licensing Board relative to price and hour fixing and approval of barber schools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 390, An act relative to the height of load permitted upon a motor vehicle, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 161, An act to provide for reciprocal privileges in the operation of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 136, An act relative to interstate trips of motor trucks, tractors, trailers or semi-trailers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 123, An act relating to the motor vehicle license of non-residents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Guay of Laconia for the Committee on Revision of the Statutes, to whom was referred House Bill No. 400, An act relating to the state cancer commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Bailey of Lyme for the Committee on Claims, to whom was referred House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H.

Stobie, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Otis of Concord for the Committee on Public Health, to whom was referred House Bill No. 301, An act relating to a standard weight per gallon of shucked clams, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Otis of Concord for the Committee on Public Health, to whom was referred House Bill No. 398, An act relative to enforcement of provisions of the barber law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Corson of Derry for the Committee on Towns and Counties, to whom was referred House Bill No. 422, An act relating to the election of county officers, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. St. Francois of Nashua for the Committee on Labor, to whom was referred House Bill No. 183, An act relating to private employment agencies, reported the same with the amendment as printed in the Journal of Thursday, May 1, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 88, (in

new draft and new title), An act creating a commission to study election laws, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 18 (in new draft and new title), An act relative to the time of closing the polls, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 265, An act relating to mayor and council form of city government, reported the same in new draft with the recommendation that the bill in its new draft be recommitted to the Committee on Judiciary.

The report was accepted, the bill in its new draft read a first and second time, laid upon the table to be printed and recommitted to the Committee on Judiciary.

Mr. Osborne of Sunapee for the Committee on Appropriations, to whom was referred House Bill No. 59, An act providing for the improvements at Rye Harbor, reported the same with the amendment as printed in the Journal of May 1, and the recommendation that the bill as amended ought to pass.

The report was accepted and the amendment adopted.

Mr. Hunter of Hanover offered the following amendment.

2. *Conditions.* Amend said chapter 218 by striking out section 2 and inserting in place thereof the following: 2. *Expenditure.* The appropriation made by section 1 shall be expended by the highway



department, under the direction of the governor and council for the purpose of (1) improvement of the area between the present location of the Ocean Boulevard at Rye Harbor and its proposed new location, and (2) for dredging and improvement of Rye Harbor and no funds shall be expended for the second purpose until the improvement provided for by (1) has been completed, except to the extent that both (1) and (2) may be accomplished together through dredging of Rye Harbor. The appropriation made by section 1 shall not be available unless and until the town of Rye appropriates the sum of ten thousand dollars for improvements and dredging at Rye Harbor.

3. *Payment of Bond Issue.* Amend said chapter 218 by inserting after section 6 the following new section: 6-a. *Continuance of Tolls on Hampton Harbor Toll Bridge.* Tolls shall be collected upon the reconstructed Hampton Harbor toll bridge, as provided by sections 6 and 8 of chapter 159 of the Laws of 1933, as amended by chapter 50 of the Laws of 1935, and as further amended by section 4 of an act passed at the present session of the General Court, entitled "An act relating to the reconstruction of a toll bridge at Hampton Harbor," until the state shall have been reimbursed as to principal and interest for all sums that may be appropriated and spent under the provisions of this chapter 218. The charge against said tolls hereby provided shall be in addition to that provided in the above mentioned acts.

4. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment.

(Discussion ensued)

Mr. Hunter of Hanover spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Corson of Derry for the Committee on Towns and Counties, to whom was referred House Bill No. 129, An act relative to care of small cemeteries, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the word "shall" in the third line and inserting in place thereof the word, may, so that said section as amended shall read as follows:

1. *Town Appropriations.* Amend chapter 55 of the Public Laws (chapter 68, commissioners report) by adding after section 3 the following new section: 3-a. *Uncared for Cemeteries.* Every town may raise and appropriate annually a sum, not to exceed three hundred dollars, to provide for the suitable care and maintenance of deserted and abandoned cemeteries within its confines which are not otherwise provided for. Such appropriation shall be expended under the direction of the selectmen of the town.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 387, An act relating to the transportation of explosives reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 by adding at the end thereof the following, Fixed ammunition for small arms, fire-crackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to pro-

duce an explosion of such units to the injury of life, limb or property, so that said section as amended shall read as follows:

4. *Exceptions.* Nothing in this act shall be construed as affecting the transportation of military or naval forces or their equipment by the federal or the state government. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Atherton of Nashua for the Committee on Banks, to whom was referred Senate Bill No. 17, (in new draft), An act relative to legal investments for savings banks, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Legal Investments, Savings Banks.* Amend section 8 of chapter 262 of the Public Laws, as amended by section 4, chapter 89, Laws of 1927, section 10, chapter 122, Laws of 1929 and section 5, chapter 67, Laws of 1933 (section 8, chapter 301, commissioners' report) by striking out said section and inserting in place thereof the following: 8. *Limitations.* Not exceeding sixty-five per cent of the deposits shall be invested in securities authorized under sections 9 to 12 inclusive; not exceeding five per cent of the deposits shall be invested in the securities of any one company; and not exceeding ten per cent of the deposits shall be invested in securities authorized by sections 9 to 12



inclusive other than bonds, notes, equipment securities and receivers' certificates provided that whenever ten per cent of the deposits is invested in stocks an additional five per cent may be invested in stocks of senior preference which quality as aforesaid, and provided further that the issuing company thereof has had earnings applicable to dividends on such stock in each of the five years next preceding such investment equal to at least two and one-half times the dividend requirements of such stock. No investment shall be made in the securities of a corporation authorized by paragraphs VIII, IX, and X of section 12 unless at least sixty-five per cent of the gross income of such corporation is derived from the direct operation of its water, heat, ice, gas, electric light or electric power business, or a combination of two or more of the foregoing described businesses.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 427, An act legalizing the proceedings taken at the annual town meeting in Milan on March 11, 1941, relative to acquiring land and building a town hall, reported the same with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Daniels of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 428, An act authorizing the town of Lyme to issue refunding notes or bonds and validating proceedings of the town meet-

ings of the town of Lyme, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 429, An act providing a deficiency appropriation for certain state departments, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

The Committee on Transportation, to whom was referred House Bill No. 329, An act relating to non-resident privileges, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Leviens of Hollis moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Lievens of Hollis and Cummings of Lyndeboro spoke in favor of the motion.

Messrs. Myhaver of Peterborough and Tuttle of Atkinson spoke against the motion.

On a *viva voce* vote the motion to substitute the words "ought to pass" for the words "inexpedient to legislate" prevailed.

The bill was ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 376,

An act to establish a system of personnel administration in the public service of the State of New Hampshire, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend paragraph IV, section 8 of said bill by striking out the whole and inserting in place thereof the following: IV. The teaching staff and students of the State University and the State Teachers' Colleges.

Amend paragraph V, section 8 by striking out the period at the end thereof and inserting a semi-colon and by adding the words "also all domestic and agricultural employees" so that the same shall read as follows: V. Seasonal or casual employees as prescribed by rule or regulation of the council consistent with the purposes of this act: also all domestic and agricultural employees.

Further amend section 8 by adding at the end thereof the following two paragraphs: XI. The entire personnel of the state hospital. XII. The uniformed force of the state police.

Amend section 10 by striking out the whole and inserting in place thereof the following: 10. *Status of Present Employees.* Persons who, at the time this act takes effect hold positions which this act places in the classified service shall, within one year, be given non-competitive examinations to determine their fitness to perform satisfactorily the duties of their positions and shall be admitted to such examination without regard to the minimum qualifications of training and experience, provided however, that all such persons who have been employed in the service of the state continuously since January 1, 1940, or a prior date, shall not be required to take such examinations but shall be deemed to have been given a permanent appointment in the classified service as of the effective



date of this act. Persons previously appointed to positions that are placed in the classified service by this act and who have passed appropriate examinations under a merit system with standards substantially comparable to these shall be given merit system status without further examination.

Amend section 58 by striking out the whole and inserting in place thereof the following: 58. *Co-operation: Federal Assistance.* The director may cooperate with other state or federal departments or agencies and, with the approval of the council and the governor and executive council, may enter into such agreements with the federal government or any agency thereof and may promulgate such rules and regulations, notwithstanding any provision to the contrary in this or any other act, as he may deem advisable to maintain a personnel merit system in conformity with federal standards applicable to any such merit system within this state.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 376, An act to establish a system of personnel administration in the public service of the state of New Hampshire, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FREDERICK A. TILTON,  
GEORGE H. DUNCAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Tilton of Ward 4, Laconia, moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass with amendment" and with that motion pending, the bill with the amendment pending be laid upon the

table and make a special order for Tuesday, May 13, at 11:01 o'clock.

The question being on the motion of Mr. Tilton.

(Discussion ensued)

Messrs. Tilton of Ward 4, Laconia and Sweeney of Nashua spoke in favor of the motion.

Mr. Wiggin of Manchester spoke against the motion.

On a *viva voce* vote the motion prevailed.

Mr. Duncan of Jaffrey for the Committee on Judiciary, to whom was referred House Bill No. 368, An act relative to the practice of hairdressing and manicuring, reported the same with the amendment, as printed in the Journal of May 1, and the recommendation that the bill as amended ought to pass.

The report was accepted, and the amendment adopted.

Mr. Nash of Concord offered the following amendment.

Amend section 13 by striking out in the tenth, eleventh and twelfth lines (of the printed section) the words, "and provided, further, that this act shall not apply in towns of one thousand population or less. so that said section as amended shall read as follows: 13. *Takes Effect; Exceptions.* This act shall take effect upon its passage, provided, however, that any students or apprentices already enrolled as such or any person holding an operator's license, under the provisions of Chapter 162, Laws of 1937, at the time of the passage of this act, shall not be required to have the additional educational or other qualifications herein provided, before receiving a hairdresser's license hereunder.

The question being on the amendment offered by Mr. Nash.

(Discussion ensued)

Messrs. Seymour of Carroll, Wiggin of Manchester, and Nash of Concord spoke in favor of the amendment.

Mrs. Banfield of Moultonboro and Mrs. Brungot of Berlin spoke against the motion.

Mr. Wiggin of Manchester moved that the bill with the amendment pending be recommitted to the Committee on Judiciary.

The question being on the motion to recommit.

(Discussion ensued)

Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment offered by Mr. Nash.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke against the amendment.

Mr. Tilton of Laconia, ward 4, moved that the rules be suspended to permit Mrs. Brungot to speak a third time on the question.

On a *viva voce* vote the motion prevailed.

Mrs. Brungot of Berlin spoke against the amendment.

Mr. Nash of Concord moved that the bill with the amendment pending be recommitted to the Committee on Judiciary.

On a *viva voce* vote the motion prevailed.

Mrs. Cooper of Nashua for the Special Committee consisting of the Delegation from Hillsborough County, to whom was referred House Bill No. 288, An act relating to county commissioners in Hillsborough County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.



Mr. Atherton of Nashua moved that the Speaker of the House of Representatives be and hereby is directed to obtain from the honorable justices of the Supreme Court their opinion upon the following question.

Do the provisions of House Bill No. 288, An act relating to county commissioners in Hillsborough County, copy of which is annexed hereto and made part of this resolution, violate any provisions of our state constitution?

The question being on the motion of Mr. Atherton.

(Discussion ensued)

Messrs. Atherton of Nashua, Carter of Manchester, and Myhaver of Peterborough spoke in favor of the motion.

Messrs. Betley, Connelly and Woodbury of Manchester, Blandin of Bath, Sweeney and Velishka of Nashua spoke against the motion.

Mr. Chase of Manchester moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being to refer the bill to the Supreme Court.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

### Reconsideration

Mr. Betley of Manchester moved that the House reconsider its vote, whereby it voted as inexpedient to legislate, House Bill No. 288, An act relating to county commissioners in Hillsborough County.

On a *viva voce* vote the motion to reconsider did not prevail.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 386, An act relative to lights and reflectors on motor vehicles, tractors, trailers and semi-trailers.

House Bill No. 388, An act relative to the definition of chauffeur.

House Bill No. 389, An act relative to licenses to operate motor vehicles.

House Bill No. 391, An act relating to attaching of motor vehicle plates.

House Bill No. 392, An act relative to the operation of non-resident pleasure motor vehicles.

House Bill No. 413, An act relative to taking brook trout in Sunapee lake and certain waters in the towns of Pittsburg and Clarksville.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 18, An act defining and prohibiting unfair sales practices with a view to preventing the advertising or offering for sale or the selling, below cost, of merchandise for the purpose of injuring competitors or destroying competition.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 322, An act relative to unemployment compensation.

Renumber section 3 to read section 2; renumber section 3-a to read 3; renumber section 21-a to read section 22; section 21-b to read section 23; renumber sections 22 to 43, inclusive, to read 24 to 45, inclusive; renumber section 43-a to read section 46; renumber sections 44, 45 and 46 to read sections 47, 48 and 49; renumber section 46-a to read section 50; renumber section 47 to read section 51.

Amend section 16 by inserting the word first, after the word "benefits" in the twentieth line. Amend section 20 by inserting at the end of the thirteenth line the word, or. Amend section 23 as renumbered to section 25 by striking out the first three lines and inserting in place thereof the following:

25. *Rate of Contribution.* Amend section 6-B of said chapter 179-A by striking out said section and inserting in place thereof the following:

Amend section 24 as renumbered to 26 by changing the comma from after the word "then" to before said word where it occurs in the tenth and the twenty-fifth lines.

Amend section 40 as renumbered section 42 by striking out the words "service of process," in the twelfth line.

Amend section 43-a as renumbered section 46 by striking out the word "act" where it occurs in the twenty-second, twenty-fourth, twenty-eighth, thirty-third and thirty-fourth lines and inserting in place thereof the word, chapter. Also in said section strike out the word "and" at the end of the thirty-third line.

Amend section 46-a as renumbered section 50 by striking out the first two lines and inserting in place thereof the following:

50. *Powers of Commissioner.* Amend said chapter 179-A by inserting after section 18 the following:



Amend section 47 as renumbered section 51 by striking out the figure 3-a and inserting in place thereof the figure, 3; by striking out the figure "22" and inserting the figure 24, and by striking out the figure "28" and inserting the figure 30.

On motion of Mr. Hunter of Hanover the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Secretary of State to be engrossed.

### Resolutions

Mrs. Cooper of Nashua offered the following resolution:

*Whereas*, This House has learned with sorrow of the death of Martha M. Carter, wife of Edward W. Carter, Representative from Merrimack, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Mrs. Cooper of Nashua and Messrs. Cummings of Lyndeboro, Wadleigh of Milford, Woodbury of Nashua and Booth of Manchester.

Mr. Merrill of Laconia offered the following resolution:

*Whereas*, The House of Representatives has learned with sorrow of the death of Honorable Harry J. Rivers, our fellow representative from the city of Laconia, and

*Whereas*, The members of the House are mindful of the loyal and efficient service rendered by Mr. Rivers to the State of New Hampshire and to the people of Laconia; and,

*Whereas*, the members of the House desire to express the affection and regard in which they hold the memory of Mr. Rivers, therefore be it

*Resolved*, That the House of Representatives in General Court convened extend its deepest sympathy to Mrs. Rivers and the members of his family, and be it further

*Resolved*, That these resolutions be entered in the records of the proceedings of the House, and that the Clerk be instructed to transmit a copy to Mrs. Rivers.

ARTHUR R. MERRILL,  
JOHN E. EWING,  
CHARLES O. HOPKINS,  
NED C. ROGERS,  
ARTHUR H. LORD,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Cormier of Nashua offered the following resolution:

*Whereas*, This House has learned of the death of the brother of Godfrey Beland, brother of our fellow representative, Louis Beland of Claremont, therefore be it

*Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Cormier, Paquette and Bilodeau of Nashua, Marcotte and Delorier of Claremont.

### Reconsiderations

Mr. Pickett of Keene stated that on today or some subsequent day he would move to reconsider the vote

whereby the House voted as inexpedient to legislate, House Bill No. 161, An act to provide for reciprocal privileges in the operation of motor vehicles.

Mr. O'Shan of Laconia moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Joint Resolution No. 60, Joint resolution making appropriation for the Y D convention to be held in the city of Manchester.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. O'Shan of Laconia, Betley and Carrier of Manchester, Tilton of ward 4, Laconia, and Bilodeau of Nashua, and Mrs. Rounds of Hill and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Hunter of Hanover, Chase of Manchester and Winslow of Chesterfield spoke against the motion.

Mr. Atherton of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to reconsider.

On a *viva voce* vote the motion to reconsider prevailed.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

Mr. O'Shan of Laconia moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

On a *viva voce* vote the motion prevailed and the joint resolution was ordered to a third reading.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.



### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended and the third readings of bills by their titles and joint resolution by its caption made in order.

House Joint Resolution No. 60, Joint resolution making appropriation for the Y D convention to be held in the city of Manchester.

House Bill No. 18 (in new draft and new title), An act relative to the time of closing the polls.

House Bill No. 59, An act providing for the improvements at Rye Harbor.

House Bill No. 129, An act relative to care of small cemeteries.

House Bill No. 183, An act relating to private employment agencies.

House Bill No. 329, An act relating to non-resident privileges.

House Bill No. 387, An act relating to the transportation of explosives.

House Bill No. 398, An act relative to enforcement of the provisions of the barber law.

House Bill No. 422, An act relating to the election of county officers.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Spaulding of Nashua at 1:40 o'clock the House adjourned.

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WEDNESDAY, MAY 7, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Matson of Concord, Bartlett of Goffstown, Jewell of Stratham, Barton of Lempster, Leblanc of

Nashua, and Hamlin of Charlestown were granted leaves of absence for the day on account of important business.

Messrs. Tilton of Laconia, ward 4, Lemieux of Berlin, Collette of Berlin, Blanchard of Farmington, Studley of Rochester, Brown of Gilmanton, Hayes of Barrington, Morse of Warren, Rousseau of Newmarket, and Anderson of Manchester were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Courchene and Jackson of Dover, Smith of New Durham, Cotton of Barnstead, Barry of Manchester, Wilcox of Nashua, and Mrs. Gagnon of Berlin were granted leaves of absence for Thursday on account of important business.

Mr. Clancy of Manchester was granted leave of absence until further notice on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, to whom was referred House Bill No. 326, An act relating to public welfare, reported the same under joint rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the words "such rules and regulations shall include the power to" where they occur in the fourth, fifth, fourteenth and fifteenth lines and inserting in place thereof the words, said board shall.

Amend the first three lines of section 3 by striking out the same and inserting in place thereof the following:

3. *Public Assistance Records.* Amend said chapter 202 of the Laws of 1937 by inserting after section 35 the following new sections:

Amend the paragraph numbered 35-b by striking out the word "commissioner" in the ninth line and inserting in place thereof the word, board.

Amend the paragraph numbered 35-c by striking out the same and inserting in place thereof the following:

35-c. *Penalties.* Any person who shall violate the provisions of section 35-b shall be fined not exceeding twenty-five dollars.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was sent to the Senate for concurrence in the amendment.

Mr. Daniels, Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 430, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1942, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 431, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1943, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the fol-



lowing entitled bill, House Bill No. 432, An act relating to the ministerial library in the town of Peterborough, with the recommendation that the bill be referred to the Committee on Revision of Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Revision of the Statutes.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 63, Joint resolution in favor of Olga Chiaradia, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 64, Joint resolution providing for expenses of special session of Convention to revise the Constitution, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 104, An act relative to maintenance of a part of the Kearsarge Mountain road, in the town of Wilmot, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 264,

An act relating to the marking of ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 425, An act relating to the highway department six-year budget, and state aid for Class V highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rule.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred Senate Bill No. 43, An act providing for alternate jurors in certain cases, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 369, An act providing for annual audits for certain state departments, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Powers and Duties of the Comptroller.* Amend paragraph (1) of section 15 of chapter 171 of the Laws of 1931 (paragraph (1) of section 14 of chapter 23 of the commissioners' report) by striking out said paragraph and inserting in the place thereof the following: (1) To audit all demands by the state, and to preaudit all accounts to be presented to the governor and council for the issuance of warrants; and in addition thereto to examine the books and

make an annual audit of the accounts of the state liquor commission, highway department, motor vehicle department, secretary of state, public service commission, state tax commission, fish and game department and insurance department, and any other department that may be designated by the governor and council.

2. *Appropriation.* For the biennium ending June 30, 1943, there is hereby appropriated the sum of four thousand five hundred dollars for the comptroller's department to cover the expenses of the annual audits of certain departments. Said sum shall be in addition to the other appropriations made for said comptroller's department.

3. *Takes Effect.* This act shall take effect as of July 1, 1941.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Smart of Durham, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 14, Joint resolution for an investigation of the efficiency and need of continuing the county form of government, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the Governor, with the advice and consent of the council, is hereby authorized and directed to appoint ten competent persons to constitute a commission for study and analysis of existing laws relating to the general subject of county expenditures which shall report to the next legislature its findings and recommendations as to the expediency of revising or



amending the existing laws relating to county government or any part thereof, together with draft of any bills whose enactment it may recommend. Such commission shall, so far as practicable, be so composed as to give due representation to the different sections of the state. The members of such commission shall serve without compensation, but shall be reimbursed for their actual expenses. The commission shall have power to summon witnesses, who shall appear and testify under oath, the production of papers and the filing of reports and to employ any necessary legal, clerical and stenographic assistants, the accounts therefor to be approved by the governor and council. A sum not to exceed fifteen hundred dollars is hereby appropriated to carry into effect the provisions hereof, and the governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mrs. Mason of Berlin, for the Committee on Banks, to whom was referred Senate Bill No. 17 (in new draft), An act relative to legal investments for savings banks, reported the same with the amendment as printed in the Journal of May 6, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 8, An act relating to the annual report of the Insurance Commissioner to the Secretary of State.

House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company.

House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company.

House Bill No. 182, An act relating to accident and health insurance policies.

House Bill No. 395, An act relating to Lucas Pond in the town of Northwood.

### Resolution

Mr. Upton of Concord offered the following resolution:

*Resolved*, That the use of Representatives' Hall be granted to the State Elks' Association on Friday evening, May 23, between the hours of 7:30 P. M. and 9:30 P. M. for the finals of the State Essay Contest conducted as a part of the Elks National Preparedness Program.

On a *viva voce* vote the resolution was adopted.

### Reconsideration

Mr. DuDevoir of Hooksett gave notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted as inexpedient to legislate, House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie.

On motion of Mr. Duncan of Jaffrey, business in order at 3.00 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Duncan of Jaffrey, the rules were suspended and the third readings of bills by their titles made in order.

Senate Bill No. 17 (in new draft), An act relative to legal investments for savings banks.

Read a third time and passed, and sent to the Senate for concurrence in the amendments.

Senate Bill No. 43, An act providing for alternate jurors in certain cases.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Conner of Sutton at 11:30 o'clock the House adjourned.

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THURSDAY, MAY 8, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mr. Dupont of Pembroke was granted leave of absence for the day on account of illness.

Messrs. Hebert of Somersworth, Rollins of Alton, Wiggin of Conway, Douphinett, Lemire, Reil and Whittier of Franklin, Kenney of Loudon, Clark of Fracestown, Dowd, McGowan, Benoit of Manchester, Shedd of New Boston, Gaffney, Mrs. Decker, Marcotte of Claremont, Miss Bailey of Newport, Cram of Unity, Merrill of Plymouth, Hinchey and Hayes of Berlin were granted leaves of absence for the day on account of important business.

#### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 34, An act relating to sanitary inspectors, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.



Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Employees of State Board of Health.* Amend section 1 of chapter 136, Public Laws, (section 1, chapter 159, commissioners' report) by striking out said section and inserting in place thereof the following:

1. *Employment.* For the purpose of carrying out the provisions of this chapter and of other statutes the enforcement of which rests with the state board of health, said board may employ persons to be known as inspectors, sanitarians, sanitary engineers and other agents. The salaries of such employees shall be fixed by the board with the approval of the governor and council and such employees shall be paid their actual expenses legally incurred when engaged in the performance of their duties. All powers and duties imposed on inspectors by the provisions of this chapter may be imposed on sanitarians, sanitary engineers and other agents in so far as the board shall determine.

Amend section 2 by striking out the first three lines and inserting the same in place thereof the following:

2. *Powers.* Amend said chapter 136 (said chapter 159) by inserting after section 5 the following new section:

Further amend said section by striking out the words, "said statutes" and inserting in place thereof the words, the laws relative to public health matters.

On motion of Mrs. Otis of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 151, An act relating to the election of members of state

committees of political parties, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 11, An act to abolish the town of Ellsworth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. St. Francois of Nashua, for the Committee on Labor, to whom was referred House Bill No. 231, An act to establish an apprenticeship council within the bureau of labor; to define the powers and duties of said council, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by voluntary co-operation of labor and industry.

The report was accepted, and the resolution of the committee adopted.

Miss Hanson of Gilford, for the Committee on Education, to whom was referred House Bill No. 250, An act relating to first aid equipment in schools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted, and the resolution of the committee adopted.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred Senate Joint Resolution No. 3, Joint resolution in favor of Ralph T. Gallagher, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend by striking out the word "fifteen" in the first line and the figures \$1,500.00 in the second line and inserting in place thereof the word, nineteen and the figures \$1,900.00 so that said resolution as amended shall read as follows: That the sum of nineteen hundred dollars (\$1,900.00) be and hereby is appropriated and allowed Ralph T. Gallagher of Heniker as compensation for injuries received by him on August 1, 1939, while in the employ of the state highway department. The sum hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of said claim.

The report was accepted, the amendment adopted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 424, An act relative to terms of court for the county of Carroll, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 414, An act relating to arrests, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 71, An act abolishing causes of action for breach of contract to marry, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 154



(in new draft), An act relating to the admissibility of evidence, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 369, An act providing for annual audits for certain state departments, reported the same with the amendment, as printed in the Journal of May 7, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 433, An act relating to liability insurance, with the recommendation that the bill be referred to the Committee on Insurance.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Insurance.

Mr. Potter of Concord, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said joint resolution by striking out the words "seven thousand dollars" in the first line thereof and substituting in place thereof the words "thirty-five hundred dollars."

Further amend said joint resolution by striking out all after the third sentence thereof and substituting in place thereof the following:

"The expenditure of this appropriation shall be contingent upon the assumption by the city of Concord of the care and maintenance of said monument and its appurtenant grounds. The Mayor and Board of Aldermen of the city of Concord are hereby authorized to enter into an agreement on behalf of said city with the State of New Hampshire, to perform such care and maintenance, and are further authorized to appropriate money for such care and maintenance; so that said joint resolution as amended shall read as follows:

"That the sum of thirty-five hundred dollars is hereby appropriated for the purpose of construction and erection on the Pierce family lot in Minot Enclosure in Old North Cemetery in Concord, New Hampshire, of a suitable monument of New Hampshire granite so inscribed as to commemorate the service of Franklin Pierce to his country as the fourteenth President of the United States. Said sum shall be expended under the direction of the Governor and Council and subject to such conditions and restrictions as they shall impose in the public interest. The Governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated. The expenditure of this appropriation shall be contingent upon the assumption by the city of Concord of the care and maintenance of said monument and its appurtenant grounds. The Mayor and Board of Aldermen of the city of Concord are hereby authorized to enter into an agreement on behalf of said city with the State of New Hampshire, to perform such care and maintenance, and are further authorized to appropriate money for such care and maintenance."

The report was accepted.

The bill with the amendment pending, was laid upon the table to be printed in accordance with Rule 8.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No.

318, An act establishing the State Liquor Control Commission, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole of said bill and inserting in place thereof the following:

1. *State Liquor Commission.* Amend section 3, chapter 3, Laws of 1934, special session (section 3, chapter 167, Commissioners' Report) by striking out said section and inserting in place thereof the following: 3. *Chairman; Compensation.* The governor with the advice and consent of the council shall appoint one member of the commission as chairman who shall devote his entire time to the service of said commission and who shall be the executive and administrative officer of the commission, except that the employment and dismissal of all personnel shall be at the discretion of the commission. The chairman shall be paid an annual salary of five thousand dollars (\$5,000) and each of the other members of the commission shall be paid eight dollars (\$8.00) a day for such time as they are actually engaged in the service of the state. No member of the commission shall be directly or indirectly interested in the liquor or beverage business. The compensation and the necessary expenses of the commissioners and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

2. *Limitation.* Nothing in this act shall be construed to remove any member of the present state liquor commission from office as a member of the commission prior to the expiration of his term of office.

3. *Takes Effect.* This act shall take effect on July 1, 1941.

The report was accepted.



The bill with the amendment pending, was laid upon the table to be printed in accordance with Rule No. 48.

On motion of Mr. Hunter of Hanover, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 65, Joint resolution in favor of Manena Rivers, with the recommendation that the joint resolution be referred to the Committee on Claims.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Claims.

On motion of Mr. Hunter of Hanover, the rules were suspended, the printing of the joint resolution and its reference to a committee was dispensed with, and the bill ordered to a third reading.

On motion of Mr. Hunter of Hanover, the rules were further suspended, the bill read a third time and passed and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 141, An act prohibiting certain employment of elected city officials.

House Bill No. 286 (in new draft), An act relative to grading of eggs.

House Bill No. 357, An act relating to special meetings of county conventions.

House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company.

Amend section 1 by inserting after the figures "1937" the words and figures, and chapter 6 of the Laws of 1941, also by striking out the word "and" after the figures "1931."

Amend section 2 by striking out the same and inserting in place thereof the following:

2. *Repeal.* Chapter 90 of the Laws of 1870, relative to said insurance company, is hereby repealed.

On motion of Mr. Gile of Hanover, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company.

Amend section 1 by inserting after the figures "1937" the words and figures, and chapter 6 of the Laws of 1941, also by striking out the word "and" after the figures "1931."

Amend section 2 of said bill by striking out the same and inserting in place thereof the following

2. *Repeal.* Section 5 of chapter 172 of the Laws of 1874, as amended by section 6 of chapter 161 of the Laws of 1885, relative to said insurance company, is hereby repealed.

On motion of Mr. Gile of Hanover, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 228, An act for the benefit of clubs affiliated with national organizations.

Amend section 1 by striking out the first five lines and inserting in place thereof the following:

1. *Liquor Licenses.* Amend chapter 3 of the Laws of the special session of 1934 (chapter 167, commissioners' report) by inserting after section 22 the following new section: 22-a. *Clubs Affiliated with National Organizations.* In towns and cities which

On motion of Mr. Foote of Portsmouth, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage which it asked the concurrence of the House of Representatives:

Senate Bill No. 59, An act relative to exemptions from taxation.

Senate Bill No. 61, An act relative to pari-mutuel pools.

Senate Bill No. 72, An act relative to the Community Hospital of Walpole.

#### **Senate Bills Read and Referred**

Senate Bill No. 59, An act relative to exemption from taxation.

Senate Bill No. 61, An act relative to pari-mutuel pools.

Severally read a first and second time, and referred to the Committee on Ways and Means.

Senate Bill No. 72, An act relative to the Community Hospital in Walpole.



Read a first and second time, and referred to the Committee on Judiciary.

### Resolutions

Mrs. Cooper of Nashua offered the following resolution:

*Whereas*, God in His infinite wisdom has taken from this life Martha M. Carter, wife of Edward W. Carter, Representative from Merrimack, and

*Whereas*, In her passing she has left the world poorer in loyalty and graciousness and a husband bereft, therefore be it

*Resolved*, That the House of Representatives extend its deepest sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That these resolutions be spread upon the records and a copy sent to the bereaved member.

MABEL THOMPSON COOPER,  
ERWIN E. CUMMINGS,  
FRED T. WADLEIGH,  
CHARLES I. WOODBURY,  
WILLIAM J. BOOTH,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Cormier of Nashua offered the following resolution:

*Whereas*, the members of this House of Representatives have learned with sorrow of the death of Godfrey Beland of Nashua, brother of Louis A. Beland, our fellow representative from Claremont, therefore be it

*Resolved*, That we extend to our colleague our heartfelt sympathy in this great loss which has come to him, and be it further

*Resolved*, That the Clerk of the House transmit to our bereaved member a copy of these resolutions.

RODOLPHE CORMIER,  
LOUIS W. PAQUETTE,  
ARTHUR BILODEAU,  
HARRY J. DELORIER,  
ALFRED J. MARCOTTE,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Callahan of Keene offered the following resolution:

*Whereas*, we have learned of the serious injury of our fellow representative, Ben O. Aldrich of Keene, therefore be it

*Resolved*, That we express our sympathy to our fellow member with our best wishes for his speedy recovery, and be it further

*Resolved*, That the Clerk be instructed to send flowers to Mr. Aldrich together with a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock, and that when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

On motion of Mr. Foote of Portsmouth,

*Resolved*, That the Clerk be instructed to mail to the members, a copy of today's Journal.

### Third Readings

On motion of Mr. Blandin of Bath, the rules were suspended, the third reading of bills by their titles, made in order.

House Bill No. 71, An act abolishing causes of action for breach of contract to marry.

House Bill No. 154 (in new draft), An act relating to the admissibility of evidence.

House Bill No. 414, An act relating to arrests.

House Bill No. 424, An act relative to terms of court for the county of Carroll.

House Joint Resolution No. 65, Joint resolution in favor of Manena Rivers.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Spaulding of Nashua at 11:59 o'clock the House adjourned.

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SATURDAY, MAY 10, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, May 10, 1941.

Mrs. Marye L. Caron,  
Manchester, N. H.

DEAR MRS. CARON:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.



## TUESDAY, MAY 13, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Thibodeau of Manchester, Redden of Portsmouth, and Fogg of Deerfield were granted leaves of absence for the day on account of important business.

Mr. Stuart of Wilmot was granted leave of absence for the day on account of attending a funeral.

Messrs. Nickerson of Madison, and Butler of Lebanon, were granted leaves of absence for Wednesday on account of important business.

Mr. Sayers of Keene was granted leave of absence for Thursday on account of important business.

Mrs. Decker, and Messrs. Barrows, Beland, Daly, Delorier, Gaffney, Marcotte, Mercier, and Murphy of Claremont were granted leaves of absence for Thursday on account of attending a funeral.

Messrs. Cilley of Exeter, and Lievens of Hollis were granted leaves of absence for the week on account of important business.

**Committee Reports**

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 43, An act providing for alternate jurors in certain cases.

House Bill No. 8, An act relating to the annual report of the insurance commissioner to the Secretary of State.

House Bill No. 34, An act relating to sanitary inspectors.

House Bill No. 228, An act for the benefit of clubs affiliated with national organizations.

House Bill No. 286, An act relative to grading of eggs.

House Bill No. 326, An act relating to public welfare.

House Bill No. 416, An act relative to purchases by counties.

House Bill No. 417, An act relating to the New Hampshire Congregational-Christian Conference.

House Bill No. 40, An act relative to the powers of the New Hampshire Fire Insurance Company.

House Bill No. 41, An act relative to the powers of the Granite State Fire Insurance Company.

House Bill No. 322, An act relative to unemployment compensation.

House Bill No. 395, An act relating to Lucas pond in the town of Northwood.

The report was accepted.

Mr. Atherton of Nashua, for the Committee on Banks, to whom was referred House Bill No. 396, An act to authorize restricted branch banking, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Banks, to whom was referred House Bill No. 396, An act to authorize restricted branch banking, having considered the same and being unable to agree with the majority report the same with the recommendation that the bill ought to pass.

PETER J. DUGAN,  
BERNADETTE E. CHAROIS,  
E. W. CARTER,  
ROSCOE J. OAKES,  
*A Minority of the Committee.*

The report was accepted.

Mr. Dugan of Wilton moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Dugan of Wilton, Morrison of Derry, Studd of Berlin, Grinnell of Derry, Tilton of Ward 4, Laconia, and Sweeney of Nashua spoke in favor of the motion.

Messrs. Atherton of Nashua, Foote of Seabrook, Keay of Kingston, Carter and Chase of Manchester, Cormier of Nashua, and Blandin of Bath spoke against the motion.

Mr. Peever of Salem moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Peever of Salem asked for a division.

A division being had, 49 members voted in the affirmative and 320 members voted in the negative, and the motion to substitute did not prevail.

The question being on the resolution that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 23, An act relating to the biennial referendum, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred Senate Bill No. 23, An act relating to the biennial referendum, and being



unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

WILLIAM B. CONNOR,  
JOHN C. TILTON,  
*A Minority of the Committee.*

The report was accepted.

Mr. Tilton of Concord moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Tilton, Sturtevant and Osborne of Concord, Maxwell of Henniker and Foote of Seabrook spoke in favor of the motion.

Mrs. Brungot of Berlin and Messrs. Gay of Hillsborough, Holmes of Raymond, Pierce of Walpole and Velishka of Nashua spoke against the motion.

Mr. Hayes of Tuftonboro moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Carroll of Manchester asked for a division.

A division being had 173 members voted in the affirmative and 180 members voted in the negative, the motion to substitute did not prevail.

Mr. Gage of Manchester demanded the yeas and nays and the roll was called with the following result:

YEAS, 188

ROCKINGHAM COUNTY: Tuttle, Goodrich, Grinnell, Morrison, Bourn, Pennell, Spollett, Merrill of Hamp-

ton, Evans of Kensington, Keay, Nesmith, Pridham, Prescott, Hobbs, Johnson of Northwood, Tucker, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Smart of Durham, Blanchard, Webster, Longley, Conrad, Hale of Rochester, Studley, Fernald, Hayes of Rochester, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Brown of Gilmanton, Guay of Laconia, Tilton of Laconia, Ward 3, Merrill of Laconia, Ewing, Hopkins, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Huntress, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Henry, Otis, Potter, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Matson, Ford, Milburn, Bunker, Maxfield, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Reynolds, Boynton, Abbott, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Carter of Manchester, Gage, Duval, Carter of Merrimack, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Cormier, Shedd, Bigelow, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Thomas, Miller, Hanson, Clark of Harrisville, Robertson, Duncan, Mills, Batchelor, Callahan, Frissell, Lombard, Mason of Keene, Sayers, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Daly, Decker, Witherill, Barton, Bailey of Newport, Condon, Mark, Philbrick of Springfield, Cram.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Coolidge, Pulsifer, Clark of Canaan, Sanborn of Enfield, Hodge, Gile of Hanover, Holden, Hunter, Davison, Dean, Oakes, Gile of Lebanon, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Merrill of Plymouth, Barney, Gilbert.

COOS COUNTY: Mason of Berlin, Lazure, Christian-  
sen, Parkhurst, Emerson of Dalton, Kimball, Cryan  
of Lancaster, Morris, Baldwin, Weeks of Stewarts-  
town, Taylor.

#### NAYS, 189

ROCKINGHAM COUNTY: Stowe, Lake, Wyman, Cur-  
rier, Corson, Fecteau, Goodale, Robbins of Fremont,  
Coleman, Labranche, Rousseau of Newmarket, San-  
born of Nottingham, Palmer, Barrett, Dondero,  
Kittredge, Foote of Portsmouth, Gray, Yeaton, Canty,  
McNeil, Schlegel, Burkhardt, Kane of Portsmouth,  
Holmes, Barron, Peever.

STRAFFORD COUNTY: Hayes of Barrington, Jackson,  
Courchene, Cronin, Shaheen, Ackroyd, Leighton,  
Lucas, Brennan of Dover, Bartlett of Lee, Nadeau of  
Rochester, Beaudoin, Potvin, Nutter, Hamel, Habel,  
Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: O'Shan, Tarlson, Langlois,  
Roucher, Tilton of Laconia, Ward 4, Neal, Pynn.

CARROLL COUNTY: Hayes of Tuftonboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Carter  
of Boscawen, Clinton, Upton, Mayo, Comi, Sullivan of  
Concord, Lemire, Riel, Douphinett, DuDevoir, Lafond,  
Boisvert, Dupont, Perkins, Mock.



HILLSBOROUGH COUNTY: Bills, Charois, Gleason, Gay of Hillsborough, Morrill, Wiggin of Manchester, Barry, Bresnahan, Dowd, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Dulac, Lacroix, Mahoney, O'Brien, Booth, O'Connell, Benoit of Manchester, Ward 7, Gaumont, Gorham, Tessier, Turcotte, Benoit of Manchester, Ward 8, Constant, Delisle, Donnelly, Kane of Manchester, Roy, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester, Ward 13, Lesmerises, Turgeon, Ellison, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Goyette, Sweeney of Nashua, Ward 7, Grand-maison, Leblanc, Wilcox, Bouthillier, Senechal, Bass.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Pelletier, Lichman, Duffy, Pickett, Doucette, Pierce.

SULLIVAN COUNTY: Beland, Delorier, Gaffney, Marcotte, Mercier, Brigham, Kempton, Maley, Osborne of Sunapee.

GRAFTON COUNTY: Noyes, Valia, Cryan of Haverhill, Haley, Burby, Butler, Jette, Adams of Lincoln, Robbins of Thornton, Sawyer.

COOS COUNTY: Hinchey, Moffett, Smith of Berlin, Lemieux, Studd, Brungot, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Weeks of Colebrook, Chandler, Fraser, Fogg of Milan, Ashe, Marshall, Hutchins.

### Pairs

Woodbury of Manchester voting Yes paired with Jean of Manchester voting No.

And the motion to substitute did not prevail.

The question being on the report of the committee, that the bill ought to pass.

Mr. Pickett of Keene offered the following amendment:

Amend section 2 by striking out the figures "1943" and inserting in place thereof the figures "1942," so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect January 1, 1942.

The question being on the amendment.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

Mrs. Brungot of Berlin asked for a division, but subsequently withdrew her request.

Mr. O'Shan of Laconia moved to reconsider the vote whereby the House refused to substitute the report of the minority for the report of the majority.

The Chair ruled that a motion to reconsider the vote on substitution was not in order.

Mr. O'Shan of Laconia moved that the bill be indefinitely postponed.

Mr. Gage of Manchester asked for a division.

A division being had, 175 members voted in the affirmative, and 179 members voted in the negative, the motion to indefinitely postpone did not prevail.

Mr. Gage of Manchester demanded the yeas and nays, and the roll was called with the following result:

YEAS, 189

ROCKINGHAM COUNTY: Tuttle, Goodrich, Grinnell, Morrison, Nesmith, Bourn, Pennell, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Pridham, Prescott, Hobbs, Johnson of Northwood, Palmer, Tucker, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Hartford, Kennard, Smart of Durham, Webster, Longley, Conrad, Hale of Rochester, Fernald, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Brown of Gilmanton, O'Shan, Tilton of Laconia, Ward 3, Merrill of Laconia, Ewing, Hopkins, Smith of New Hampton, Woodman.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Huntress, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Morgan, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Henry, Otis, Potter, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Brunel, Bunten, Matson, Ford, Milburn, Bunker, Maxfield, Douphinett, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Connor, Cloues.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Reynolds, Boynton, Abbott, Cummings, Knowlton, Carter of Manchester, Gage, Woodbury of Manchester, Duval, Carter of Merrimack, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Wilcox, Shedd, Bigelow, Myhaver, Peaslee, Dugan.

CHESHIRE COUNTY: Thomas, Miller, Hanson, Clark of Harrisville, Robertson, Duncan, Mills, Batchelor, Callahan, Frissell, Lombard, Mason of Keene, Lichman, Sayers, Tarbox, Hale of Rindge, Blake, Grimes, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Daly, Decker, Witherill, Barton, Bailey of Newport, Condon, Mark, Philbrick of Springfield, Cram.



GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Coolidge, Pulsifer, Clark of Canaan, Sanborn of Enfield, Hodge, Gile of Hanover, Holden, Hunter, Davison, Dean, Oakes, Gile of Lebanon, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Barney, Morse, Gilbert.

COOS COUNTY: Mason of Berlin, Lazure, Christian-sen, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Baldwin, Weeks of Stewartstown, Taylor.

#### NAYS, 191

ROCKINGHAM COUNTY: Stowe, Lake, Wyman, Currier, Corson, Fecteau, Goodale, Robbins of Fremont, Coleman, Labranche, Rousseau of Newmarket, Sanborn of Nottingham, Barrett, Dondero, Kittredge, Foote of Portsmouth, Gray, Yeaton, Canty, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Holmes, Barron, Peever.

STRAFFORD COUNTY: Hayes of Barrington, Jackson, Courchene, Cronin, Shaheen, Ackroyd, Leighton, Lucas, Brennan of Dover, Blanchard, Bartlett of Lee, Nadeau of Rochester, Beaudoin, Potvin, Studley, Hayes of Rochester, Ward 6, Nutter, Hamel, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Tarlson, Guay of Laconia, Langlois, Roucher, Tilton of Laconia, Ward 4, Neal, Pynn, Rogers.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscawen, Fletcher, Clinton, Upton, Mayo, Comi, Sullivan of Concord, Lemire, Riel, DuDevoir, Lafond, Boisvert, Dupont, Perkins, Mock.

HILLSBOROUGH COUNTY: Bills, Charois, Gleason, Gay of Hillsborough, Morrill, Daniels of Manchester,

Ward 1, Wiggin of Manchester, Barry, Bresnahan, Dowd, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Dulac, Lacroix, O'Brien, Booth, O'Connell, Benoit of Manchester, Ward 7, Gaumont, Gorham, Tessier, Turcotte, Benoit of Manchester, Ward 8, Constant, Delisle, Donnelly, Kane of Manchester, Roy, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Conway, Aubin, Durette, Huard, Prince, Rosseau, Daniel of Manchester, Ward 13, Lesmerises, Turgeon, Ellison, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Bouthillier, Senechal, Bass.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Pelletier, Duffy, Pickett, Wheeler, Doucette, Pierce.

SULLIVAN COUNTY: Beland, Delorier, Gaffney, Murphy, Brigham, Kempton, Maley, Osborne of Sunapee.

GRAFTON COUNTY: Noyes, Valia, Cryan of Haverhill, Haley, Burby, Butler, Jette, Adams of Lincoln, Merrill of Plymouth, Robbins of Thornton, Sawyer.

COOS COUNTY: Hinchey, Moffett, Smith of Berlin, Lemieux, Studd, Brungot, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Weeks of Colebrook, Chandler, Fraser, Ashe, Marshall, Hutchins.

And the motion to indefinitely postpone did not prevail.

The bill was ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 318, An act establishing the state liquor control commission, reported the same with the amendment as printed

in the Journal of May 8, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The amendment being on the amendment.

(Discussion ensued)

Mr. Sweeney of Ward 2, Nashua, moved that the bill and the accompanying amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Sweeney and Velishka of Nashua, Betley of Manchester, Tilton of Ward 4, Laconia, Holdon of Hanover, and Gay of Hillsborough spoke in favor of the motion.

Messrs. Wyman of Candia, Potter of Concord, Wiggin of Manchester, and Hayes of Dover spoke against the motion.

Mr. Noyes of Bethlehem moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

Mr. Wyman of Candia asked for a division.

A division being had 197 members voted in the affirmative and 161 members voted in the negative and the motion to indefinitely postpone prevailed.

Mr. Wiggin of Manchester demanded the yeas and nays and the roll was called with the following results:

YEAS, 201

ROCKINGHAM COUNTY: Lake, Currier, Corson, Morrison, Fecteau, Goodale, Robbins of Fremont,



Evans of Kensington, Pridham, Coleman, Labranche, Rousseau of Newmarket, Johnson of Northwood, Sanborn of Nottingham, Barrett, Gray, Yeaton, McNeil, Schlegel, Burkhardt, Kane of Portsmouth, Holmes, Tucker, Barron, Peever, Foote of Seabrook.

STRAFFORD COUNTY: Hayes of Barrington, Jackson, Courchene, Cronin, Shaheen, Hartford, Ackroyd, Leighton, Lucas, Brennan of Dover, Webster, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Hayes of Rochester, Ward 6, Hamel, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin.

BELKNAP COUNTY: Brown of Gilmanton, Guay of Laconia, Langlois, Tilton of Laconia, Ward 4, Merrill of Laconia, Ewing, Hopkins, Pynn, Smith of New Hampton, Woodman, Neal.

CARROLL COUNTY: Huntress, Nickerson, Jewell of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Veroneau, Fletcher, Clinton, Matson, Upton, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Douphinett, DuDevoir, Lafond, Kenney, Boisvert, Perkins, Mock.

HILLSBOROUGH COUNTY: Bills, Edwards, Farwell, Clark of Francestown, Charois, Gay of Hillsborough, Knowlton, Barry, Bresnahan, Dowd, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Dulac, Lacroix, O'Brien, Booth, O'Connell, Benoit of Manchester, Ward 7, Gaumont, Tessier, Turcotte, Benoit of Manchester, Ward 8, Delisle, Donnelly, Kane of Manchester, Roy, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Carroll, Conway, Roukey, Aubin, Durette, Prince, Turgeon, Jewett, Cooper, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Carrier, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Betters, Goyette, Sweeney

of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Peaslee, Dugan.

CHESHIRE COUNTY: Moore of Alstead, Robertson, Batchelor, Callahan, Pelletier, Lombard, Lichman, Sayers, Pickett, Wheeler, Doucette, Pierce, Brennan of Westmoreland.

SULLIVAN COUNTY: Beland, Decker, Delorier, Gaffney, Marcotte, Murphy, Brigham, Bailey of Newport, Kempton, Cram.

GRAFTON COUNTY: Valia, Holden, Cryan of Haverhill, Haley, Burby, Butler, Gile of Lebanon, Jette, Merrill of Plymouth, Robbins of Thornton, Gilbert.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Evans of Berlin, Lazure, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Chandler, Fraser, Hutchins.

#### NAYS, 172

ROCKINGHAM COUNTY: Tuttle, Stowe, Wyman, Goodrich, Grinnell, Bourn, Pennell, Spollett, Merrill of Hampton, Keay, Nesmith, Prescott, Hobbs, Palmer, Dondero, Foote of Portsmouth, Canty, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Smart of Durham, Blanchard, Bartlett of Lee, Longley, Hale of Rochester, Studley, Fernald, Nutter, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Lord, Tarlson, Tilton of Laconia, Ward 3, Roucher, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young.

MERRIMACK COUNTY: Carter of Boscawen, Morgan, Moore of Bradford, Laird, Coakley, Davis of Concord, Henry, Otis, Potter, Osborne of Concord,

Sturtevant, Tilton of Concord, Buntin, Ford, Milburn, Bunker, Maxfield, Whittier, Maxwell, Rounds, Nelson of Hopkinton, Swift, Carr, Freese, Connor.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Reynolds, Gleason, Boynton, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Wiggin of Manchester, Carter of Manchester, Gage, Gorham, Constant, Huard, Rosseau, Daniel of Manchester, Ward 13, Duval, Lesmerises, Carter of Merimack, Ellison, Wadleigh, Atherton, Shedd, Thompson, Bigelow, Bass, Myhaver.

CHESHIRE COUNTY: Winslow, Thomas, Miller, Hanson, Clark of Harrisville, Duncan, Mills, Frissell, Mason of Keene, Duffy, Tarbox, Hale of Rindge, Blake, Grimes, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Hamlin, Daly, Witherill, Barton, Condon, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee.

GRAFTON COUNTY: Brown of Ashland, Blandin, Noyes, Coolidge, Pulsifer, Clark of Canaan, Hodge, Gile of Hanover, Hunter, Davison, Dean, Oakes, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Barney, Morse, Sawyer.

COOS COUNTY: Lemieux, Fuller, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

Sanborn of Chichester voting No, paired with Sanborn of Enfield voting Yes. Nash of Concord voting No, paired with Brunel of Concord voting Yes. Woodbury of Manchester voting No, paired with Jean of Manchester voting Yes.

And the motion to indefinitely postpone prevailed.



### Reconsideration

Mr. Betley of Manchester moved that the House reconsider the vote whereby it voted to indefinitely postpone House Bill No. 318, An act establishing a state liquor control commission.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Marshall of Northumberland for the Committee on Agriculture, to whom was referred House Bill No. 217 (in new draft and new title), An act relating to the conservation of soil and soil resources and the prevention and control of soil erosion, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph (4) of section 3 of said bill by striking out the same and inserting in place thereof the following: (4) The provisions of this act shall not apply to forest lands except forest lands which are operated as a part of an operating farm unit.

Amend paragraph F of section 5 of said bill by striking out the words "a majority" in the seventeenth line and inserting in place thereof the following, sixty per cent, so that said paragraph shall read as follows:

F. The committee shall publish the result of such referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible. If the committee shall determine that the operation of such district is not administratively practicable and feasible, it shall deny the petition. If the committee shall determine that the operation of such district is administratively practicable and feasible, it shall proceed with the organization of the district. In making such determination the committee shall give due regard and weight to the attitude of the occupier of lands lying within

the defined boundaries, the number of eligible voters who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the proposed district, the probable expense of carrying on erosion control operations within such district, and such other economic and social factors as may be relevant to such determination; provided, however, that the committee shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least sixty per cent of the votes cast in the referendum shall have been cast in favor of the creation of such district.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Kenney of Loudon spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Fogg of Deerfield for the Committee on Public Improvements, to whom was referred House Joint Resolution No. 26, Joint resolution for the improvement of the Old Cornish Turnpike in the towns of Newport, Claremont and Cornish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Bilodeau of Nashua for the Committee on Insurance, to whom was referred House Bill No. 420, An act relative to fees for motor vehicle road service and

tourists' service, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Bixby of Berlin for the Committee on Liquor Laws, to whom was referred House Bill No. 130, An act relating to fees for the sale of beverages, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 406, An act relating to the discontinuance of railroads, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the word "Railroads" and inserting in place thereof the words, railroad service, so that said title shall read as follows: An act relating to the discontinuance of railroad service.

Amend section 1 by inserting after the word "public" in the fourth line the words, afforded by its regular passenger trains or at its stations; further amend by inserting after the word "rendered" in the eleventh line the words, If the Commission so directs, so that said section as amended shall read as follows: 1. Amend chapter 238 of the Public Laws by adding after section 21 thereof the following new section to be known as section 21A.

21A. *Railroads, Service.* No railroad shall discontinue or curtail any part of its service to the public afforded by its regular passenger trains or at its stations without notice to the Commission and such notice to the public as the Commission may direct.



Upon complaint, or upon its own motion, the Commission may investigate the reasonableness of the proposed change in service and, after hearing, may determine whether the proposed change in service is consistent with the public good, and may by order prescribe the service which shall thereafter be rendered. If the Commission so directs, no change in the service rendered by the railroad shall be made pending the decision of the Commission in any such proceedings; provided, however, that such obligation to continue the service shall be operative for a period not exceeding 60 days after the close of such hearings as may be held by the Commission.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 48, An act relating to taxation of airport property, reported the same with the recommendation that the bill ought to pass.

We, the undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 48, An act relating to taxation of airport property, and being unable to agree with the majority, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by adding at the end thereof the following: Provided that in case improvements have been made on said property between April 1, 1940, and the date when acquired for aeronautical facilities, the payments to the city or town in which such property or rights are located shall be based upon the assessed value as of April first following such improvements, so that said section as amended shall read as follows:

1. *Airport Property.* Amend chapter 42 of the Public Laws, as amended by chapter 90 of the Laws of 1929, by inserting after section 68-e (section 74, chapter 51, commissioners' report) the following new section: 68-f. *Tax Exemption.* All property and rights acquired by a city or town outside its boundaries, as provided in sections 68-a to 68-d, inclusive, or as provided in any other statute relative to aeronautical facilities hereinbefore or hereinafter enacted, if said property and rights are not leased for profit, shall be exempt from taxation therein; but the city or town shall make payments, on or before the first day of December in each year, to each city or town in which such property or rights are located, of such sums as would have been assessed against said property and rights if the same had been included in the tax invoice for such year at the tax valuation of the same on April 1, 1940. Provided that in case improvements have been made on said property between April 1, 1940, and the date when acquired for aeronautical facilities, the payments to the city or town in which such property or rights are located shall be based upon the assessed value as of April first following such improvements.

KENNETH ROBBINS,  
JOHN PALMER,  
FRANK B. CLARK,  
HARRY B. TUTTLE,  
ARTHUR F. STURTEVANT,  
ALDEN N. YOUNG,  
*A Minority of the Committee.*

The report was accepted.

Mr. Young of Wakefield moved to substitute the report of the minority "ought to pass with amendment" for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Young of Wakefield spoke in favor of the motion.

On a *viva voce* vote the motion to substitute prevailed.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee for the Committee on Appropriations, to whom was referred House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce, reported the same with the amendment as printed in the Journal of May 8, and the recommendation that the joint resolution as amended ought to pass.

The report was accepted.

On a *viva voce* vote the amendment was adopted, and the joint resolution was ordered to a third reading.

Mrs. Christiansen of Berlin for the Committee on Transportation, to whom was referred House Bill No. 381, An act relative to the appropriation of money by the town of Bristol for transportation to the railroad at Franklin, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Proceedings Legalized.* The proceedings of the town of Bristol at the annual meeting, March 11, 1941, whereby it voted under Article 17 to raise and appropriate three hundred dollars (\$300) to further transportation facilities between Bristol and Franklin, is hereby legalized and made valid.



The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 343, An act relating to the election of representatives to the general court.

House Bill No. 416, An act relative to purchases by counties.

House Bill No. 417, An act relating to the New Hampshire Congregational-Christian Conference.

The message further announced that the Senate had voted to concur with the House of Representatives in the adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 34, An act relating to sanitary inspection.

House Bill No. 326, An act relating to public welfare.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 219, An act relating to the use of commercial motor vehicles.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. *Operation of Motor Vehicles.* Amend chapter 103 of the Public Laws (Commissioners' Report, chapter 119) by adding at the end thereof the following new sub-division.

Trucks: Carrying Passengers Prohibited.

35. *Use Prohibited.* (Commissioners' Report, 48). No person, firm, association or corporation shall operate or permit, allow or cause to be operated, any motor vehicle designed or constructed by the manufacturer exclusively for the transportation of goods, materials, commodities, freight or merchandise, for the purpose of carrying passengers for a consideration express or implied.

36. *Exceptions.* (Commissioners' Report, 49). Nothing in section 35 shall be construed to prevent the transportation of those enrolled at summer camps or students, teachers or employees of colleges and schools when it is for recreational or religious purposes; or of employees of any town, city, county or the state, federal government, or any agency thereof, or of employees of the owner of any such vehicle when in the course of going to or from their place of employment; or when transportation is in a vehicle approved by the Motor Vehicle Commissioner under section 8-c (Commissioners' Report, chapter 119, section 14).

37. *Penalties.* The operator, owner or custodian of any motor vehicle which is operated in violation of the provisions of this subdivision shall be fined not more than \$25 or imprisoned not exceeding ten days or both.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Gile of Hanover, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of

which it asked the concurrence of the House of Representatives:

Senate Bill No. 65, An act relative to mines and minerals.

Senate Bill No. 67, An act relative to appointment to the State Board of Registration of Funeral Directors and Embalmers.

### **Senate Bills Read and Referred**

Senate Bill No. 65, An act relative to mines and minerals.

Read a first and second time and referred to the Committee on Agriculture.

Senate Bill No. 67, An act relative to appointment to the State Board of Registration of Funeral Directors and Embalmers.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### **Special Order**

Mr. Tilton of Ward 4, Laconia, called for the special order.

House Bill No. 376, An act establishing a system of personnel administration in the public service of the State of New Hampshire.

The question being on the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass with amendment."

Mr. Upton of Concord moved that the bill with the motion pending be laid upon the table and made a special order for Wednesday, May 14, at 11:01 o'clock.

The question being on the motion of Mr. Upton.

(Discussion ensued)

Messrs. Upton of Concord, Blandin of Bath, and Carter of Manchester spoke in favor of the motion.



Messrs. Seymour of Carroll and Cormier and Velishka of Nashua spoke against the motion.

Mr. Velishka of Nashua moved that the bill be indefinitely postponed.

Mr. Upton of Concord moved that the bill be laid upon the table.

On a *viva voce* vote the motion to lay upon the table did not prevail.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Tilton of Ward 4, Laconia, Duncan of Jaffrey, Seymour of Carroll, Betley of Manchester, and Velishka of Nashua spoke in favor of the motion.

Messrs. Wiggin of Manchester, Upton of Concord, Bass of Peterborough, Mills of Jaffrey, and Wadleigh of Milford and Mrs. Cooper of Nashua spoke against the motion.

Mr. Hutchins of Stratford moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Bass of Peterborough asked for a division.

A division being had 257 members voted in the affirmative and 78 members voted in the negative, the motion to indefinitely postpone prevailed.

### Reconsideration

Mr. Betley of Manchester moved that the House reconsider the vote whereby the House voted to indefinitely postpone House Bill No. 376, An act establishing

a system of personnel administration in the public service of the State of New Hampshire.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolutions

Mr. Cryan of Lancaster offered the following resolution:

*Whereas*, we have learned with sorrow of the death of the mother of Harold Haley, our fellow member from Holderness, therefore be it

*Resolved*, That the Speaker appoint a committee of three to submit suitable resolutions.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs. Cryan of Lancaster, Adams and Lincoln and Brown of Ashland.

Mr. Merrill of Plymouth offered the following resolution.

*Whereas*, we have learned with sorrow of the death of John Pulsifer, father of our fellow member from Campton, therefore be it

*Resolved*, That the Speaker appoint a committee of three to submit suitable resolutions.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs. Merrill of Plymouth, Coolidge of Bristol and Bell of Plymouth.

On motion of Mr. Spaulding of Nashua the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended, the third reading of bills by their titles, and joint resolution by its caption, made in order.

House Bill No. 381, An act relative to the appropriation of money by the town of Bristol for transportation to the railroad at Franklin.

House Bill No. 406, An act relating to the discontinuance of railroads.

House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 48, An act relating to taxation of airport property.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

Senate Bill No. 23, An act relating to the biennial referendum.

Read a third time.

The question being, Shall the bill pass?

Mr. Gage of Manchester asked for a division.

A division being had 166 members voted in the affirmative and 146 members voted in the negative, the bill passed and was sent to the Secretary of State to be engrossed.

On motion of Mr. Blandin of Bath at 5:01 o'clock the House adjourned.

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WEDNESDAY, MAY 14, 1941.

The House met at 11 o'clock.

Prayer was offered by the Chaplain.

### Joint Convention

Both branches being in convention, the Speaker introduced Max Brauer, former Mayor of Altona, Germany, who addressed the convention.

On motion of Senator Moran of District No. 18, the convention rose.



### House

#### Leaves of Absence

Messrs. Sullivan, Landry, and LeBlanc of Nashua were granted leaves of absence for the day to attend a funeral.

Messrs. Brennan of Dover, Pulsifer of Campton, and Hunter of Hanover were granted leaves of absence for the day on account of important business.

Messrs. Hayes of Barrington, Rousseau, Labranche of Newmarket, Nash of Concord, Edwards of Bennington, and Burby of Lebanon were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Jackson, Courchene, Cronin of Dover, Smith of New Durham, Nadeau of Rochester, Jewell of Stratham, Guilbeault of Allenstown, Barry, Roukey, Jean of Manchester, Shedd of New Boston, Gleason of Hancock, Barton of Lempster, and Lemieux of Berlin, Boisvert of Pembroke, and Getz of Manchester were granted leaves of absence for Thursday on account of illness.

Mr. Patridge of Newfield was granted leave of absence for the week on account of illness.

#### Committee Reports

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 434, An act relating to forest fires and their prevention, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Forestry and Recreation.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 427,

An act legalizing the proceedings taken at the annual town meeting in Milan on March 11, 1941, relative to acquiring land and building a town hall, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Upton of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 428, An act authorizing the town of Lyme to issue refunding notes or bonds and validating proceedings of the town meetings of the town of Lyme, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 351, An act relating to the nomination of candidates by petition, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 thereof and substituting in its place the following new section: 1. Amend section 57, Chapter 25 of the Public Laws, by striking out the entire section and inserting in place thereof the following: 57. *Nomination Papers*. The nomination of a candidate may be made by petition, styled nomination papers. Such papers shall contain the name and residence of the candidate, the office for which he is nominated, the political party or principles he represents, and shall be signed by such persons only as are qualified to vote at the election of the candidates named in the petition. No voter shall sign more than one nomination paper for each officer to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to

be filled. Each voter shall sign an individual petition and directly above the place for signature of the voter there shall appear in heavy black type, the following affidavit: I do solemnly affirm under the penalties of perjury that I have read this petition or that it has been read to me, and that I understand the contents thereof. The signature of the voter to such petition and affidavit shall have the same effect as if the affidavit had been made in the presence of an officer authorized to administer oaths.

Further amend said bill by striking out section 3 thereof and by re-numbering section 4 as section 3.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 222, An act authorizing applications to the court of probate by fiduciaries or beneficiaries of trust funds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 222, An act authorizing applications to the court of probate by fiduciaries or beneficiaries of trust funds, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

FREDERICK A. TILTON,  
*A Minority of the Committee.*

The report was accepted.

Mr. Tilton of Ward 4, Laconia, moved that the report of the minority, "ought to pass," be substituted for the report of the majority, "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)



Mr. Tilton of Ward 4, Laconia, spoke in favor of the motion.

Messrs. Wiggin of Manchester and Upton of Concord spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 175, An act relative to taking black bass from Sunapee lake.

House Bill No. 266, An act relative to spruce grouse and chukar partridge.

House Bill No. 397, An act relative to the Fish and Game Department and activities thereof.

House Bill No. 399, An act providing for an open season for taking elk.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 334, An act relating to the sale of wines by restaurants.

The message further announced that the Senate had voted to recall from the Governor for further consideration House Bill No. 343, An act relating to the election of representatives to the General Court.

The message further announced that the Senate had voted to adopt the amendments offered by the Com-

mittee on Engrossed Bills, to the following bill in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 17 (in new draft), An act relative to legal investments for savings banks.

Amend section 1 by inserting after the word "afore-said" in the twenty-sixth line the words, and provided further that the issuing company thereof has had earnings.

On motion of Mr. Atherton of Nashua, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 182, An act relating to accident and health insurance policies.

Amend section 2 by striking out the first five lines and inserting in place thereof the following:

2. *Provisions Governing.* Amend said chapter 281 of the Public Laws (chapter 322, commissioners' report) by inserting after section 25 the following new section: 25-a. *Group or Blanket Policy Provisions.* 1. No policy of group or blanket accident or health insurance, or accident and health insurance, and no certificate thereunder shall, except as provided in paragraph III hereof

Further amend said section by striking out the following words where they occur and inserting the same at the end of said section 2 following the numeral IV.

Any such general or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse child or children or other dependents.

Further amend said section by striking out the words "years from the expiration of the time within

which proof of loss is required by the policy" where it occurs at the end of paragraph (n).

Further amend said bill by changing the numbers 2 and 3 to numerals II and III and by renumbering section 4 to read section 3.

On motion of Mr. Osborne of Concord, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 386, An act relative to lights and reflectors on motor vehicles, tractors, trailers and semi-trailers.

Amend section 1 by inserting after the word "width" in the ninth line the words, in excess.

On motion of Mr. Myhaver of Peterborough, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 45, An act relative to special licenses for first class hotels.

Senate Bill No. 53, An act relative to service of process in small claims court.

Senate Bill No. 70, An act authorizing the town of Alton to issue refunding notes or bonds.

### **Senate Bills Read and Referred**

Senate Bill No. 53, An act relative to service of process in small claims court.

Read a first and second time and referred to the Committee on Revision of the Statutes.



Senate Bill No. 70, An act authorizing the town of Alton to issue refunding notes or bonds.

Read a first and second time.

Mr. Rollins of Alton moved that the rules be suspended, the printing of the bill and its reference to a committee dispensed with, and the bill be made in order for a third reading.

The question being on the motion of Mr. Rollins.

(Discussion ensued)

Mr. Rollins of Alton spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was ordered to a third reading.

Senate Bill No. 45, An act relative to special licenses for first class hotels.

Read a first and second time and referred to the Committee on Liquor Laws.

Mr. Coakley of Concord moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Coakley of Concord spoke in favor of the motion.

Mr. Foote of Portsmouth spoke against the motion.

Mr. Coakley of Concord asked for a division.

A division being had 167 members voted in the affirmative and 97 members voted in the negative and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having either voted in the affirmative or negative, no valid action was taken, and the bill with the motion pending went into unfinished business.

Mr. Coakley of Concord demanded the yeas and nays.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the motion.

Mr. Foote of Portsmouth spoke against the motion.

Mr. Coakley of Concord withdrew his demand for yeas and nays and asked for a division.

A division being had 176 members voted in the affirmative and 100 members voted in the negative and less than two thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having either voted in the affirmative or negative, no valid action was taken, and the bill with the motion pending went into unfinished business.

### Resolutions

Mr. Cryan of Lancaster offered the following resolution:

*Whereas*, the members of this House of Representatives have learned with sorrow of the death of the mother of Harold Haley, our fellow member from Holderness, therefore be it

*Resolved*, That we extend to our colleague our heartfelt sympathy in this great loss which has come to him, and be it further

*Resolved*, That the Clerk of the House transmit to our bereaved member a copy of these resolutions.

ARTHUR C. CRYAN,  
WILLIAM A. BROWN,  
SHERMAN ADAMS,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Merrill of Plymouth offered the following resolution:

*Whereas*, the members of this House of Representatives have learned with sorrow of the death of John

Pulsifer, father of our fellow member from Campton, therefore be it

*Resolved*, That we extend to our colleague our heart-felt sympathy in this great loss which has come to him, and be it further

*Resolved*, That the Clerk of the House transmit to our bereaved member a copy of these resolutions.

HARRY A. MERRILL,  
KENNETH G. BELL,  
JOHN W. COOLIDGE,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles, made in order.

House Bill No. 427, An act legalizing the proceedings taken at the annual town meeting in Milan on March 11, 1941, relative to acquiring land and building a town hall.

House Bill No. 428, An act authorizing the town of Lyme to issue refunding notes or bonds and validating proceedings of the town meetings of the town of Lyme.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 70, An act authorizing the town of Alton to issue refunding notes or bonds.

Read a third time and passed, and sent to the Secretary of State to be engrossed.



### Personal Privilege

Mr. Neal of Meredith rose to a point of personal privilege, and asked that his vote on the question of indefinitely postponing House Bill No. 318, An act establishing the state liquor control commission be changed from No to Yes.

On motion of Mr. Delorier of Claremont at 12:18 o'clock the House adjourned.

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THURSDAY, MAY 15, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Evans of Kingston, Palmer of Plaistow, Mayo of Concord, Mrs. Dondero and Mr. Kane of Portsmouth, Studley of Rochester, Boucher, Hebert and Hamel of Somersworth, Rollins of Alton, Brown of Gilmanton, Wiggin of Conway, Mrs. Banfield of Moultonborough, Jewell of Wolfeboro, Brunel of Concord, Lemire and Riel of Franklin, Kenney of Loudon, Clark of Francestown, O'Brien, Dowd, Delisle, McGowan, Mahoney, Haley, Conway, Lesmerises, and Chevrette of Manchester, Schlegel, Velishka, Grandmaison, and Sweeney of Ward 2, Nashua, Miss Bailey of Newport, Whitcomb of Littleton, Hinchey, Hayes, Studd of Berlin, were granted leaves of absence for the day on account of important business.

Mr. Knowlton of Manchester was granted leave of absence for Tuesday, May 20, on account of important business.

### Committee Reports

Mr. Fecteau of Epping, for the Committee on State House and State House Yards, to whom was referred

House Joint Resolution No. 57, Joint resolution making an appropriation for the bird life exhibit at the State House, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Nelson of Hopkinton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 63, Joint resolution in favor of Olga Chiaradia, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 425, An act relating to the highway department six year budget and state aid for class V highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Pennell of Exeter, for the Committee on Appropriations, to whom was referred House Bill No. 88, An act creating a commission to study election laws, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judi-

ciary, to whom was referred Senate Bill No. 72, An act relative to the Community Hospital of Walpole, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Amendment.* Amend section 1, chapter 125, Laws of 1925, by striking out the whole of said section and inserting in place thereof the following: 1. *Authorization.* The county of Cheshire is hereby authorized to appropriate from time to time such sums of money in aid of the support and maintenance of the Elliot Community Hospital, Keene, and the Community Hospital of Walpole, in such proportion as in the opinion of the county delegation of the Legislature may be necessary, provided that such appropriation shall not exceed a total of three thousand dollars (\$3,000) in any one year. 2. *Takes Effect; Limitation.* This act shall take effect upon its passage and continue in effect until December 31, 1945.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Brennan of Westmoreland moved that the rules be suspended, and the bill be put upon its third reading and final passage, by title, at the present time.

The question being on the motion of Mr. Brennan.

(Discussion ensued)

Mr. Brennan of Westmoreland spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence in the amendment.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 66, Joint



resolution relative to the abolishment of certain grade crossings in the towns of Whitefield and Dalton, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 410, An act conferring authority upon the Public Service Commission to establish temporary rates, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Temporary Rates.* In any proceeding involving the rates of a public utility brought either upon motion of the Public Service Commission or upon complaint, the commission may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires, immediately fix, determine, and prescribe for the duration of said proceeding, reasonable temporary rates; provided however that such temporary rates shall be sufficient to yield not less than a reasonable return on the cost of the property of the utility used and useful in the public service less accrued depreciation, as shown by the reports of the utility filed with the commission.

Amend sections 2 and 3 by striking out the whole of said sections.

Amend section 4 by striking out the word, "section" and inserting in place thereof the word, act, in the second and fifth lines, so that said section as amended shall read as follows:

4. *Adjustment.* Temporary rates so fixed, determined, and prescribed under this act shall be effective until the final determination of the rate proceeding, unless terminated sooner by the commission. In every proceeding in which temporary rates are fixed, determined, and prescribed under this act, the commission shall consider the effect of such rates in fixing, determining, and prescribing rates to be thereafter demanded or received by such public utility on final determination of the rate proceeding. If, upon final disposition of the issues involved in such proceeding, the rates as finally determined, are in excess of the rates prescribed in such temporary order, then such public utility shall be permitted to amortize and recover, by means of a temporary increase over and above the rates finally determined, such sum as shall represent the difference between the gross income obtained from the rates prescribed in such temporary order and the gross income which would have been obtained under the rates finally determined if applied during the period such temporary order was in effect.

Amend section 6 by inserting, Takes Effect, so that said section shall read as follows:

6. *Takes Effect.* This act shall take effect upon its passage.

Renumber sections 4, 5, and 6, as sections 2, 3, and 4, respectively.

The report was accepted.

The bill was the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mrs. Bixby of Berlin, for the the Committee on Liquor Laws, to whom was referred House Bill No. 377, An act relative to the sale of alcoholic beverages, reported the same with the following amendment, and

the recommendation that the bill as amended ought to pass.

Amend the bill by adding the following new sections:

1. *State Liquor Commission.* Amend chapter 3 of the Laws of the Special Session of 1934 (chapter 167, commissioners' report) by adding after section 39 the following new sections: 39-a. *Hearings and Investigations.* The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence. The commission, or any member thereof, shall have power to subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda and papers of any kind whatever. Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

39.-b. *Testimonial Privilege.* No person shall be excused from testifying or from producing any book or paper in any investigation or hearing before the commission, when ordered to do so by the commission, upon the ground that the testimony or evidence, book or document required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which under oath, after claiming his privilege, he shall by order of



the commission have testified or produced documentary evidence. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

3. *Wholesale Purchases.* Amend section 26 of chapter 99 of the Laws of 1933 as amended by section 1, chapter 173, Laws of 1933 and section 2, chapter 152, Laws of 1935 (section 75, chapter 167, commissioners' report) by striking out said section and inserting in place thereof the following: 26. *Certificates of Approval.* The holder of a wholesale permit shall purchase beverages for resale only from other permittees within the state or from a manufacturer without the state for the purpose of transporting or causing the same to be transported into the state for resale which said manufacturer has obtained from the commission a certificate of approval and has agreed to furnish to the commission, on or before the tenth day of each month, a report under oath, on a form prescribed showing the quantity of beverages sold or delivered to each wholesale permittee during the preceding calendar month. A certificate may be revoked for failure to submit such a report. The Commission may, in its discretion, suspend or revoke the certificate of approval of such manufacturer if such manufacturer discontinues to sell beverages to holders of wholesale permits because such holders sell beverages manufactured by another manufacturer. The commission may require each holder of a certificate of approval to furnish a bond in such form and such amount as the commission may prescribe to guarantee the payment to permittees in this state for the return of cooperage held by such permittees. The commission is hereby authorized to make rules and regulations for the collection and forwarding of such cooperage.

Further amend by renumbering section 1 to read section 2 and section 2 to read section 4.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 351, An act relating to the nomination of candidates by petition, reported the same with the amendment as printed in the Journal of May 14, and the recommendation that the bill as amended ought to pass.

The report was accepted.

On motion of Mr. Blandin of Bath, the bill with the amendment pending was laid upon the table.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 244, An act relating to the predetermination by the Commissioner of Labor of the minimum wages of employees in public works.

House Bill No. 277, An act to create district forest advisory boards.

House Bill No. 284, An act relative to workman's compensation.

House Bill No. 373, An act relating to the care and custody of female convicts.

House Bill No. 412, An act authorizing a state bond issue to reimburse the state treasury for certain relief expenditures.

House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and convention building.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 183, An act relating to private employment agencies.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 48, An act relating to taxation of airport property.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 68, An act relating to the issue of non-assessable policies by Mutual Fire and Casualty Insurance Companies.

Amend the title of the bill by inserting the words "and casualty" so that the title will read "Relating to the issue of non-assesable policies by Mutual Fire and Casualty Insurance Companies."

Also amend the first sentence of 2 (a) by inserting the words "to policy holders" after the word "surplus" in line 72 of the printed bill, so that said sentence will read "(a) It shall have and at all times maintain a surplus to policy holders as determined from its latest annual statement on file, which together with 10 per cent of its unearned premium reserve is at least equal to the minimum capital required for the organization of a domestic stock insurance company to do the same kind or kinds of insurance.

Also amend the last sentence of section 2 of the bill by striking out the words "for similar purposes" so that said sentence will read, Any deposit required for



the purposes specified in this section shall be inclusive of any deposit required by any other state provided that such deposit is for the benefit of all policy holders in the United States.

On motion of Mr. Noyes of Bethlehem, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 38, An act prohibiting supervisors of the checklist from holding certain other city or town offices.

Senate Bill No. 47, An act relating to the challenge of voters.

Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise.

Senate Bill No. 64, An act defining a prescription.

Senate Bill No. 69, An act providing for purchases for cities.

Senate Bill No. 75, An act relative to the service of process against motor vehicle operators.

#### **Senate Bills Read and Referred**

Senate Bill No. 38, An act prohibiting supervisors of the checklist from holding certain other city or town offices.

Senate Bill No. 47, An act relating to the challenge of voters.

Severally read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 64, An act defining a prescription.

Read a first and second time, and referred to the Committee on Public Health.

Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise.

Senate Bill No. 69, An act providing for purchases for cities.

Senate Bill No. 75, An act relative to the service of process against motor vehicle operators.

Severally read a first and second time, and referred to the Committee on Revision of the Statutes.

### Unfinished Business

Mr. Coakley of Concord called for the unfinished business.

Senate Bill No. 45, An act relative to special licenses for first class hotels.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Coakley and Tilton of Concord, Woodbury of Manchester and Blandin of Bath spoke in favor of the motion.

Mr. Betley of Manchester spoke against the motion.

Mr. Foote of Portsmouth asked for a division.

A division being had 194 members voted in the affirmative and 39 members voted in the negative, and the motion to indefinitely postpone prevailed.

### Reconsideration

Mr. Wyman of Candia moved that the House reconsider the vote whereby it voted to indefinitely postpone Senate Bill No. 45, An act relative to special licenses for first class hotels.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock

and that when it then adjourns, it adjourns to meet Tuesday morning at 11 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended, the third reading of bills by their titles, and joint resolution by its caption, made in order.

House Bill No. 88, An act creating a commission to study election laws.

House Bill No. 425, An act relating to the highway department six-year budget and state aid for Class V highways.

House Joint Resolution No. 63, Joint resolution in favor of Olga Chiaradia.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Miss Hanson of Gilsum at 11:47 o'clock the House adjourned.

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SATURDAY, MAY 17, 1941.

The House met at 10 o'clock.

The following letter was read by the Clerk:

Saturday, May 17, 1941.

Mrs. Elizabeth H. Mason,  
Berlin, N. H.

DEAR MRS. MASON:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

CHARLES H. BARNARD,

*Speaker.*



There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, MAY 20, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Gray and Kane of Portsmouth, Pennell of Exeter, Hartford of Dover, and Fernald of Rochester were granted leaves of absence for the week on account of illness.

Messrs. Davis of Concord, Durette, Delisle and Barry of Manchester, Hamlin of Charlestown, and Dean of Haverhill were granted leaves of absence for the week on account of important business.

Mr. Thibodeau of Manchester, was granted leave of absence for the week on account of death in the family.

Mrs. Banfield of Moultonborough was granted leave of absence for the week on account of illness in the family.

Mr. Hebert of Somersworth was granted leave of absence for the day on account of important business.

Mr. Nadeau of Rochester was granted leave of absence for the day on account of attending a funeral.

Mr. Brunel of Concord was granted leave of absence for Tuesday and Wednesday on account of important business.

Mr. Guay of Laconia was granted leave of absence for Wednesday on account of important business.

Mr. Goodale of Exeter was granted leave of absence for Thursday on account of important business.

Messrs. Provencher and Chevrette of Manchester were granted leaves of absence until further notice on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 23, An act relating to the biennial referendum.

Senate Bill No. 48, An act relating to the taxation of airport property.

House Bill No. 175, An act relative to taking black bass from Sunapee lake.

House Bill No. 244, An act relating to the predetermination by the commissioner of labor of the minimum wages of employees in public works.

House Bill No. 266, An act relative to spruce grouse and chukar partridge.

House Bill No. 277, An act to create district forest advisory boards.

House Bill No. 284, An act relative to workmen's compensation.

House Bill No. 399, An act providing for an open season for taking elk.

House Bill No. 412, An act authorizing a state bond issue to reimburse the state treasury for certain relief expenditures.

House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent.

House Joint Resolution No. 55, Joint resolution authorizing the appointment of a committee to investigate the advisability of erecting within the state an exhibition and convention building.

Senate Bill No. 17, An act relative to legal investments for savings banks.

Senate Bill No. 70, An act authorizing the town of Alton to issue refunding notes or bonds.

House Bill No. 182, An act relating to accident and health insurance policies.

House Bill No. 386, An act relative to lights and reflectors on motor vehicles, tractors, trailers and semi-trailers.

House Bill No. 68, An act relating to the issue of non-assessable policies by mutual fire and casualty insurance companies.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 68. An act relating to the issue of non-assessable policies by mutual fire and casualty insurance companies, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words and figures "(paragraphs 1 and 2 of section 1, chapter 313, commissioners' report)" in the fourteenth and fifteenth lines; by striking out the word "be" in the thirty-eighth line and inserting in place thereof the word, read; and by striking out the comma after the word "liability" in the seventy-fourth line and inserting in place thereof a semi-colon.

On motion of Mr. Tilton of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mr. Bailey of Lyme, for the Committee on Claims, to whom was referred House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of two hundred eighty-five dollars be



and hereby is appropriated for the following purposes: Two hundred and twenty-four dollars (\$224) to Dr. Samuel Feiner of Ashland, thirty-five dollars (\$35) to Dr. Simon Stone of Manchester, three dollars (\$3) to Dr. Ezra A. Jones of Manchester, twenty-three dollars (\$23) to Plymouth Memorial Hospital of Plymouth for medical services and hospital care due to injuries sustained by Earl Mack of Center Harbor on May 23, 1940, while in the employ of the state highway department in said Center Harbor. The sums hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of the above claim.

The report was accepted and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Myhaver of Peterborough, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 432, An act relating to the ministerial library in the town of Peterborough, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred House Bill No. 377, An act relative to the sale of alcoholic beverages, reported the same with the amendment, as printed in the Journal of May 15, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 287, An act to regulate outdoor advertising in rural and residential areas, reported the same, in second new draft, with the recommendation that the bill in its

second new draft be recommitted to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and re-committed to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice and pleading, with the recommendation that the joint resolution be referred to the Committee on Judiciary.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 368, An act relative to the practice of hairdressing and manicuring, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 13 by striking out in the tenth, eleventh and twelfth lines (of the printed section) the words, "and provided, further, that this act shall not apply in towns of one thousand population or less, so that said section as amended shall read as follows: 13. *Takes Effect; Exceptions.* This act shall take effect upon its passage, provided, however, that any students or apprentices already enrolled as such or any person holding an operator's license, under the provisions of Chapter 162, Laws of 1937, at the time of the passage of this act, shall not be required to have the additional educational or other qualifications herein provided, before receiving a hairdresser's license hereunder.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Matson of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 409, An act relating to supervision of navigation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph I of section 2 by inserting after the word "boat" in the third line the words, propelled by electric or mechanical power; further amend by inserting after the word "any" in the fourth and sixth lines the word, such; so that said paragraph as amended shall read as follows:

I. The term "Commercial Boat" shall mean any boat used as a common carrier of passengers or property operating on a regular schedule, any boat propelled by electric or mechanical power carrying passengers or property for hire, or any such boat or outboard motor when rented either separately or in connection with camps, cottages, or other real estate, and any such boat or outboard motor used by the proprietor of any school or camp in which minors are received for compensation, or by any officer, agent, or employee of such proprietor, for the transportation of minors.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 9, An act for the licensing of real estate brokers and salesmen, reported the same, in House new draft, with the recommendation that the bill in its House new draft ought to pass.

The undersigned, a minority of the Committee on Judiciary, to whom was referred Senate Bill No. 9,



An act for the licensing of real estate brokers and salesmen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FREDERICK A. TILTON,  
GEORGE H. GRINNELL,  
ELLIOT U. WYMAN,  
AMOS N. BLANDIN,  
RALPH M. HUTCHINS,  
GEORGE H. DUNCAN,  
JOHN H. PERKINS,

*A Minority of the Committee.*

The report was accepted.

The bill, in its House new draft, and the accompanying reports were laid upon the table to be printed.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 410, An act conferring authority upon the public service commission to establish temporary rates, reported the same with the amendment as printed in the Journal of May 15, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 407, An act relative to appeals from the public service commission, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the second line the following, "chapter 279" and inserting in place thereof the following, chapters 279 and 404; further amend by striking out in the nineteenth line the figures "14" and inserting in place thereof the figures, 15; further amend by striking out in the twenty-seventh

line the word "appeal" and inserting in place thereof the word, order, so that said section as amended shall read as follows:

1. *Appeals from Public Service Commission.* Amend chapter 239 of the Public Laws (chapters 279 and 404, commissioners' report) by striking out sections 11 to 15, inclusive, 17 and 18 and inserting in place thereof the following: 11. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the commission to show that the same is unreasonable or unlawful. 12. *Proceedings to Set Aside or Enforce the Commission's Orders.* Review by the court shall be limited to questions of law, and findings of fact by the commission, as supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. 13. *Additional Evidence.* No new or additional evidence shall be introduced in the supreme court, and the case shall be determined upon the record and evidence transferred by the commission. Upon an offer of newly discovered evidence, which could not have been presented before the commission made its decision or order, the court shall remand the case to the commission for further hearing thereof. 14. *Stay of Proceedings.* In such case upon the motion of any party the proceedings shall be stayed until final decision by the commission. 15. *Action of Commission.* Upon receipt of such evidence, the commission shall consider the same and may alter, modify, amend or rescind the order appealed from, and shall report its action thereon to the court. 17. *Evidence, How Considered.* All evidence transferred by the commission shall be considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law. 18.

*Judgment.* The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order as the case may be; but in case such order is wholly or partly vacated the court shall remand the matter to the commission for such further proceedings, not inconsistent with the decree, as in the opinion of the commission justice may require.

We, the undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred House Bill No. 407, An act relative to appeals from the public service commission, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

ROBERT CARTER,  
BEN O. ALDRICH,  
CHESTER M. WIGGIN,  
ALDEN N. YOUNG,  
ARTHUR STURTEVANT,  
THOMAS FECTION,  
DONALD G. MATSON,  
PATRICK O'CONNELL,  
ROBERT JOHNSON,

*A Minority of the Committee.*

The report was accepted.

Mr. Carter of Manchester moved that the bill and its accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Carter and Wiggin of Manchester, Mills of Jaffrey, Atherton of Nashua, Hayes of Dover and Matson of Concord spoke in favor of the motion.

Messrs. Betley of Manchester, Palmer of Plaistow, Sweeney of Ward 2, Nashua, Hayes of Rochester,



Duncan of Jaffrey, Tilton of Ward 4, Laconia, Blandin of Bath, and Clark of Canaan spoke against the motion.

Mr. Osborne of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Bass of Peterborough asked for a division.

A division being had 156 members voted in the affirmative and 184 members voted in the negative, the motion to indefinitely postpone did not prevail.

Mr. Carter of Manchester demanded the yeas and nays and the roll was called with the following result.

#### YEAS, 166

ROCKINGHAM COUNTY: Stowe, Wyman, Corson, Grinnell, Morrison, Fecteau, Bourn, Cilley, Goodale, Robbins of Fremont, Spollett, Johnson of Northwood, Sanborn of Nottingham, Dondero, Redden, Yeaton, Canty, Burkhardt, Holmes, Tucker, Barron, Peever.

STRAFFORD COUNTY: Hayes of Dover, Kennard, Ackroyd, Smart of Durham, Blanchard, Webster, Longley, Hale of Rochester, Beaudoin, Potvin, Studley.

BELKNAP COUNTY: Rollins of Alton, Cotton, Lord, Brown of Gilmanston, O'Shan, Tarlson, Roucher, Merrill of Laconia, Ewing, Neal, Pynn.

CARROLL COUNTY: Grindle, Hill, Wiggin of Conway, Huntress, Nickerson, Smart of Ossipee, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Moore of Bradford, Sanborn of Chichester, Otis, Fletcher, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Matson, Bunker, Douphinett, Whittier,

Rounds, Nelson of Hopkinton, Swift, Carr, Boisvert, Freese, Perkins, Cloues, Stuart.

HILLSBOROUGH COUNTY: Bills, Edwards, Bartlett of Goffstown, Brown of Goffstown, Wakefield, Reynolds, Charois, Boynton, Gay of Hillsborough, Lievens, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Wiggin of Manchester, Carter of Manchester, Gage, Woodbury of Manchester, Frain, O'Connell, Gorham, Constant, Adams of Manchester, Driscoll, Egan, Caron, Aubin, Daniel of Manchester, Ward 13, Lesmerises, Carter of Merrimack, Ellison, Wadleigh, Atherton, Cooper, Davis of Nashua, Carrier, Shedd, Thompson.

CHESHIRE COUNTY: Moore of Alstead, Winslow, Miller, Hanson, Robertson, Mills, Frissell, Mason of Keene, Lichman, Sayers, Tarbox, Hale of Rindge, Blake, Pierce, Brennan of Westmoreland, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Delorier, Witherill, Bailey of Newport, Condon, Mark.

GRAFTON COUNTY: Rollins of Alexandria, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Holden, Davison, Haley, Gile of Lebanon, Guay of Lebanon, Downing, Cushman, Bell, Merrill of Plymouth, Morse.

COOS COUNTY: Mason of Berlin, Lazure, Christiansen, Fuller, Fraser, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Hutchins.

#### NAYS, 197

ROCKINGHAM COUNTY: Tuttle, Lake, Goodrich, Currier, Fogg of Deerfield, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Pridham, Coleman, LaBranche, Rousseau of Newmarket, Prescott, Hobbs, Palmer, Barrett, Kittredge, Foote of Portsmouth, McNeil, Schlegel, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Jackson, Courchene, Cronin, Shaheen, Leighton, Lucas, Brennan of Dover, Bartlett of Lee, Conrad, Hayes of Rochester, Ward 6, Nutter, Hamel, Habel, Boucher, Nadeau of Somersworth, Coffin, Berry.

BELKNAP COUNTY: Nichols, Tilton of Laconia, Ward 3, Tilton of Laconia, Ward 4, Hopkins, Smith of New Hampton, Woodman, Rogers.

CARROLL COUNTY: Simpson, Banfield, Knox, Vittum.

MERRIMACK COUNTY: Carter of Boscawen, Morgan, Laird, Coakley, Veroneau, Henry, Clinton, Mayo, Comi, Sullivan of Concord, Ford, Milburn, Lemire, Riel, Maxwell, DuDevoir, Lafond, Kenney, Connor, Mock.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Farwell, Clark of Francestown, Dowd, Kean, McGowan, O'Neil, Betley, Dulac, Healy, LaCroix, Mahoney, O'Brien, Booth, Gaumont, Jean, Tessier, Turcotte, Benoit, of Manchester, Ward 8, Donnelly, Kane of Manchester, Roy, Gilmartin, Stewart, Roukey, Huard, Prince, Rosseau, Duval, Turgeon, Jewett, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Betters, Goyette, Sweeney of Nashua, Ward 7, Grandmaison, LeBlanc, Wilcox, Bouthillier, Senechal, Bigelow, Bass, Peaslee, Dugan.

CHESHIRE COUNTY: Thomas, Clark of Harrisville, Duncan, Callahan, Pelletier, Lombard, Duffy, Pickett, Wheeler, Grimes, Doucette.

SULLIVAN COUNTY: Beland, Daly, Decker, Gaffney, Marcotte, Murphy, Brigham, Barton, Kempton, Maley, Philbrick of Springfield, Osborne of Sunapee, Cram.

GRAFTON COUNTY: Brown of Ashland, Blandin, Clark of Canaan, Hodge, Gile of Hanover, Hunter, Cryan of Haverhill, Oakes, Burby, Butler, Jette,



Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Whitcomb, Bailey of Lyme, Johnson of Monroe, Day, Barney, Gilbert, Sawyer.

COOS COUNTY: Collette, Hinchey, Moffett, Smith of Berlin, Lemieux, Studd, Brungot, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Chandler, Marshall, Baldwin, Weeks of Stewartstown, Taylor.

### Pairs

Guay of Laconia voting No paired with Aldrich of Keene voting Yes.

Creighton of Manchester voting No paired with Conway of Manchester voting Yes.

Connolly of Manchester voting Yes paired with Carroll of Manchester voting No.

St. Francois of Nashua voting Yes paired with Cormier of Nashua voting No.

And the motion to indefinitely postpone did not prevail.

(Mr. Blandin of Bath in the Chair.)

The question being on the amendment offered by the committee.

On a *viva voce* vote the amendment was adopted.

Mr. Osborne of Concord offered the following amendment:

Amend section 1 of House Bill No. 407, as amended, by striking out, in lines 8 to 11, the words, "Review by the court shall be limited to questions of law, and findings of fact by the commission, as supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious," and inserting in place thereof the following:

Upon review by the court, the findings of fact by the commission shall be conclusive unless it shall clearly appear that such findings of fact are contrary to the weight of the evidence or are unreasonable.

So that section 1 shall read:

1. *Appeals from Public Service Commission.* Amend chapter 239 of the Public Laws (chapters 279 and 404, commissioners' report) by striking out sections 11 to 15, inclusive, 17 and 18 and inserting in place thereof the following: 11. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the commission to show that the same is unreasonable or unlawful. 12. *Proceedings to Set Aside or Enforce the Commissioner's Orders.* Upon review by the court, the findings of fact by the commission shall be conclusive unless it shall clearly appear that such findings of fact are contrary to the weight of the evidence or are unreasonable. 13. *Additional Evidence.* No new or additional evidence shall be introduced in the supreme court, and the case shall be determined upon the record and evidence transferred by the commission. Upon an offer of newly discovered evidence, which could not have been presented before the commission made its decision or order, the court shall remand the case to the commission for further hearing thereof. 14. *Stay of Proceedings.* In such case upon the motion of any party the proceedings shall be stayed until final decision by the commission. 15. *Action of Commission.* Upon receipt of such evidence, the commission shall consider the same and may alter, modify, amend or rescind the order appealed from, and shall report its action thereon to the court. 17. *Evidence, How Considered.* All evidence transferred by the commission shall be considered by the court regardless of any technical

rule which might have rendered the same inadmissible if originally offered in the trial of an action of law. 18. *Judgment.* The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order as the case may be; but in case such order is wholly or partly vacated the court shall remand the matter to the commission for such further proceedings, not inconsistent with the decree, as in the opinion of the commission justice may require.

The question being on the amendment offered by Mr. Osborne.

(Discussion ensued)

Messrs. Osborne of Concord, Carter of Manchester and Lichman of Keene spoke in favor of the amendment.

Messrs. Palmer of Plaistow, Betley of Manchester, Hayes of Rochester, Sweeney of Ward 2, Nashua, Duncan of Jaffrey and Hayes of Barrington spoke against the amendment.

Mr. Betley of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the amendment offered by Mr. Osborne of Concord.

Mr. Osborne of Concord asked for a division.

A division being had, 145 members voted in the affirmative, and 191 members voted in the negative, the amendment was not adopted, the bill was ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the



following entitled bill and joint resolutions, sent up from the House of Representatives:

House Bill No. 379, An act making provision for the State to co-operate and participate in the administration of the so-called stamp plan and school lunch program of the federal government.

House Joint Resolution No. 52, Joint resolution in favor of Fred H. Bent.

House Joint Resolution No. 55, Joint resolution in favor of Manena Rivers.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 72, An act relative to the Community Hospital of Walpole.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 349, An act to authorize the Conway Village Fire District to pay to Charles F. Robinson, compensation for personal injuries, under the provisions of chapter 195 of the Laws of 1939.

The message further announced that the Senate had voted to recall from the Governor, for further consideration, House Bill No. 141, An act prohibiting certain employment of elected city officials.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School.

Amend said bill by adding after section 1 the following new section:

2. *Laconia State School*. Amend chapter 112 of the Public Laws (chapter 129, commissioners' report) by inserting after section 8 the following new section: 8-a. *Commitment and Transfer*. Feeble-minded persons within the age limits provided by section 1 may, with the approval of the trustees and superintendent of said school, be transferred from the state hospital by its superintendent to the dormitory erected at said school under the provisions of chapter 221 of the Laws of 1939, and other feeble-minded persons within said age limits may, with the approval of the trustees and superintendent of said school, be committed thereto, as by law permitted.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Neal of Meredith, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 397, An act relative to the fish and game department and activities thereof.

Amend section 1 by striking out the thirteenth to twenty-first lines and inserting in place thereof the following: game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals subject to forfeiture, are concealed thereon or therein.

Amend section 10 by striking out the third, fourth and fifth lines and inserting in place thereof the following: commissioners' report) by striking out said section and inserting in place thereof the following: 12. *By Nonresidents*. Each hunting license shall

On motion of Mr. Nelson of Winchester, the House

concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 373, An act relating to the care and custody of female convicts.

Amend said bill by inserting before section 1 the following:

1. *Care and Custody of Female Convicts.* Amend chapter 400 of the Public Laws (chapter 453, commissioners' report) by adding at the end thereof the following new subdivision: Care and Custody of Female Convicts.

Further amend said bill by renumbering sections 1 to 5, inclusive, to read sections 33 to 37, inclusive, and by renumbering section 6 to read section 2.

On motion of Mr. Wiggin of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 65, Joint resolution in favor of Manena Rivers.

Amend said resolution by striking out the words "said decedent as" and inserting in place thereof the words, Harry J. Rivers, deceased.

On motion of Mr. Daniels of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 78, An act providing for special license plates for certain vehicles.



### Senate Bill Read and Referred

Senate Bill No. 78, An act providing for special license plates for certain vehicles.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Resolutions

Mr. Rousseau of Manchester offered the following resolution.

*Whereas*, we have learned of the death of Mrs. Agnes Beliveau, mother-in-law of Arthur Thibodeau of Manchester, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit resolutions of sympathy.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Rousseau, Durette, Daniel, Aubin and Turgeon of Manchester.

Mr. Phelps of Andover offered the following resolution:

*Whereas*, the members of the House of Representatives have learned of the illness of Mrs. Gladys E. MacPhee, former representative from Andover, who has been in poor health for a long period of time, and

*Whereas*, we are mindful of the loyal and efficient service rendered by her in her duties as representative, therefore be it

*Resolved*, That we extend our sympathy to her in her illness, and our best wishes for a speedy recovery to health, and be it further

*Resolved*, That the Clerk of the House send to her a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

Mrs. Dondero of Portsmouth offered the following resolution:

*Whereas*, the members of the House have learned of the illness of two of our fellow members, Patrick E. Kane, who is in the hospital, and Edwin W. Gray, representatives from Portsmouth, therefore be it

*Resolved*, That the Clerk send flowers to these members with our sympathy in their illness, and our best wishes for their speedy recovery to health.

The resolution was unanimously adopted by a rising vote.

### Personal Privilege

Mr. Batchelor of Keene rose to a point of personal privilege, and stated that he was unavoidably detained when the roll was called on House Bill No. 407; had he been present he would have voted Yes on the question.

On motion of Mr. Duncan of Jaffrey, business in order at 3 o'clock, was made in order at the present time.

### Third Readings

On motion of Mr. Duncan of Jaffrey, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 368, An act relative to the practice of hairdressing and manicuring.

House Bill No. 377, An act relative to the sale of alcoholic beverages.

House Bill No. 409, An act relating to supervision of navigation.

House Bill No. 432, An act relating to the ministerial library in the town of Peterborough.

House Bill No. 410, An act conferring authority upon the public service commission to establish temporary rates.

House Bill No. 407, An act relative to appeals from the public service commission.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Duncan of Jaffrey moved that the House reconsider the vote whereby it passed House Bill No. 407, An act relative to appeals from the public service commission.

On a *viva voce* vote the motion to reconsider did not prevail.

On motion of Mr. Duncan of Jaffrey at 2:41 o'clock the House adjourned.

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WEDNESDAY, MAY 21, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Pynn of Meredith, Wiggin of Manchester, Batchelor of Keene, Leighton of Dover, Hale of Rochester and Blake of Swanzey were granted leaves of absence on account of important business.

Messrs. Lucas of Dover, Hayes of Barrington, Labranche of Newmarket, Rousseau of Newmarket, Barton of Lempster, Frain of Manchester, Burby of Lebanon, Edwards of Bennington and Miss Bailey of Newport were granted leaves of absence Wednesday and Thursday on account of important business.

Messrs. Brennan, Jackson, Courchene and Cronin of Dover, Messrs. Carroll, Roukey, Healey and Mahoney of Manchester, Merrill of Plymouth, Sayers of Keene, Connor of Sutton, Kenney of Loudon, Webster of Farmington, Smith of New Durham, and Jewett of



Stratham were granted leaves of absence for Thursday on account of business.

Messrs. Anderson of Manchester and Patridge of Newfields were granted leaves of absence for the week on account of important business.

Mr. Studley of Rochester was granted leave of absence until June 3rd on account of important business.

### Committee Reports

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 193, An act relating to the taxation of income received or accumulated by non-resident trustees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 419, An act relating to revision of the primary law for towns, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 435, An act providing for the appointment of acting officials in certain cases, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House

Bill No. 423, An act relating to unincorporated societies and lodges, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2-a in section 1 by adding at the end thereof the words, and said societies, lodges, and organizations may sue and be sued in regard to such property in said corporate capacity, so that said section shall read as follows:

2-a. Unincorporated societies or lodges of Elks, Knights of Columbus, Knights of Pythias, Masons, Moose and Odd Fellows, or other similar fraternal organizations shall be corporations so far as may be necessary to take, hold, manage and use any gift or grant made to them as such and any gifts or grants heretofore made to any such societies or lodges are hereby fully ratified and confirmed to them in their aforesaid corporate capacity, and said societies, lodges, and organizations may sue and be sued in regard to such property in said corporate capacity.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 18-a in section 1 by striking out the word, "one-half" in the seventh line and inserting in place thereof the word, one-fourth, so that said section as amended shall read as follows: 18-a. *Reimbursement: Application.* In any year in which no state tax is levied, any town in which national or state forest reserve lands are situated, whether acquired by gift, purchase or in any other manner, may apply, by its

selectmen, to the tax commission, annually, before September first, for reimbursement of an amount not exceeding one-fourth the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 433, An act relating to liability insurance, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by inserting after section 4, the following new section: 4-a. *Policy, Form.* Amend section 16 of chapter 161 of the Laws of 1937 (Commissioners' Report, chapter 122, section 15) by inserting after the word, "liability," in the fifteenth line, the words, as between the insured and the insurance company, and adding at the end of said section the words, The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance, so that said section as amended shall read as follows: 16. *Policy, Form.* No motor vehicle liability policy, as defined in section 1, shall be issued or delivered in the state until a



copy of the form of the policy has been on file with the insurance commissioner for at least thirty days, unless, during said period, the commissioner shall have approved in writing the form of the policy, nor shall such policy be issued if the commissioner notifies the insurance company in writing that, in his opinion, the form of the policy does not comply with the laws of the state. Notification of his approval or disapproval shall be given in writing within said period. The commissioner shall approve a form of policy which contains the name, address and business of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability as between the insured and the insurance company, and an agreement that insurance is provided in accordance with and subject to the provisions of this chapter. The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Betley of Manchester, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 49, An act providing for airport zoning, re-

ported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph II of section 1 by striking out the same and inserting in place thereof the following: II. "Airport hazard" means any structure or tree which obstructs the aerial approaches of a publicly owned airport.

Amend paragraph VI of said section 1 by striking out the same and inserting in place thereof the following: VI. "Structure" means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

Amend section 3 by striking out the word "possibility" in line 12 and inserting in place thereof the word, practicability; further amend by inserting after the word "obstructions" in lines 12 and 13 the words, and all other material matters, so that said section as amended shall read as follows: 3. *Preparation of Airport Approach Plans.* The director is hereby empowered and directed to formulate and adopt, and from time to time as may be necessary revise, an airport approach plan for each publicly-owned airport in the state. Each such plan shall indicate the circumstances in which structures and trees are or would be airport hazards, the area within which measures for the protection of the airport's aerial approaches should be taken, and what the height limits and other objectives of such measures should be. In adopting or revising any such plan, the director shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, and the practicability of lowering or removing existing obstructions, and all other material matters, and the

director may obtain and consider the views of the agency of the federal government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations at the airport.

Amend paragraph I of section 4 by inserting after the word "permitted" in line 7 the word, and; further amend by striking out the words "and impose such other restrictions and requirements" in line 9 so that said paragraph as amended shall read as follows: I. Every town having within its territorial limits an area within which, according to an airport approach plan adopted by the director, measures should be taken for the protection of airport approaches, shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations applicable to such area, which regulations shall divide the area into zones, and, within such zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow, as may be necessary to effectuate the director's approach plan for the airport.

Further amend said section 4 by adding a new paragraph as follows: V. If any city or town fails to adopt within a reasonable time airport zoning regulations the director may, for the protection of the public safety, adopt and from time to time as may be necessary amend or repeal such regulations for such city or town until airport zoning regulations herein provided for are adopted by such city or town.

Amend paragraph I of section 5 by striking out the same and inserting in place thereof the following: I. *Permits.* Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this act a system may be established for granting permits to establish or construct new structures and other



uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof. In any event, before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that a non-conforming structure or tree has been abandoned or more than 80 per cent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations but a permit shall be issued as of right if the structure as erected or altered is in conformance with the regulations or will not constitute a greater hazard than the structure that is replaced or altered; and (b) whether application is made for a permit under this paragraph or not, the said agency may by appropriate action compel the owner of the non-conforming structure or tree to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. Except as indicated, all applications for permits for replacement, change or repair of non-conforming uses shall be granted.

Amend section 9 of said bill by inserting after the word "question" in line 13 the following: "and so may acquire a substitute property, structure and casement and convey the same to anyone whose structure, casements and property are or may be a non-conforming

use" so that said section as amended shall read as follows: 9. *Acquisition of Air Rights*. In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming use; or (2) the approach protection necessary according to the director's airport approach plan cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the town within which the property or non-conforming use is located, the town owning the airport or served by it, or the governor and council, upon recommendation of the director, may acquire, by purchase, grant, or condemnation in the manner provided by law by which towns or the governor and council are authorized to acquire real property for public purposes, such an air right, easement, or other estate or interest in the property or non-conforming use in question, and so may acquire a substitute property, structure and easement and convey the same to anyone whose structures, easements and property are or may be a non-conforming use as may be necessary to effectuate the purposes of this act.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 9 (in House new draft and new title), An act for the licensing of real estate brokers and salesmen, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Judiciary, to whom was referred Senate Bill No. 9 (in House new title and new draft), An act for the

licensing of real estate brokers and salesmen, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

FREDERICK A. TILTON,  
GEORGE H. GRINNELL,  
ELLIOT U. WYMAN,  
AMOS N. BLANDIN,  
RALPH M. HUTCHINS,  
GEORGE H. DUNCAN,  
JOHN H. PERKINS,  
LULA J. A. MORRIS,

*A Minority of the Committee.*

The report was accepted.

Mr. Wyman of Candia moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass in House new draft."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Wyman of Manchester, Comi of Concord, Duncan of Jaffrey, Seymour of Carroll and Hutchins of Stratford spoke in favor of the motion.

Messrs. Wadleigh of Milford, Mills of Jaffrey, Pierce of Walpole, and Hayes of Dover and Mrs. Cooper of Nashua spoke against the motion.

Mr. Corson of Derry moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

Mr. Gile of Hanover asked for a division.

A division being had 176 members voted in the affirmative, and 51 members voted in the negative, the motion to substitute prevailed.



The question being on the resolution of the minority of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 121 (in new draft and new title), An act relating to the poll tax of soldiers and sailors.

House Bill No. 418, An act relating to Weare reservoir, Deering lake and Trickling Falls reservoir.

The message also announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled joint resolution:

Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens.

### Taken from the Table

On motion of Mr. Bass of Peterborough, House Bill No. 351, An act relating to the nomination of candidates by petition, was taken from the table.

The question being on the adoption of the amendment as printed in the Journal of May 14.

On a *viva voce* vote the amendment was adopted.

The question being, Shall the bill be read a third time?

(Discussion ensued)

Mr. Winslow of Chesterfield spoke against the motion.

Mr. Winslow of Chesterfield moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Cilley of Exeter spoke in favor of the motion.

Messrs. O'Shan of Laconia, Hayes of Tuftonborough, Bilodeau of Nashua and Wyman of Candia spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

On a *viva voce* vote the bill was ordered to a third reading.

### Resolution

Mr. Gile of Lebanon offered the following resolution:

*Whereas*, we have learned of the illness of the mother of Earl T. Burby, representative from Lebanon, therefore be it

*Resolved*, That we extend to our fellow member our sympathy and best wishes for his mother's speedy recovery to health.

The resolution was unanimously adopted by a rising vote.

### Reconsideration

Mr. Hunter of Hanover served notice that on today or some subsequent day, he would move to reconsider the vote whereby the House voted inexpedient to legislate, House Bill No. 419, An act relating to revision of the primary law for towns.

On motion of Mr. Wadleigh of Milford business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Wadleigh of Milford, the rules were suspended, the third reading of bills by their titles, made in order.

House Bill No. 351, An act relating to the nomination of candidates by petition.

House Bill No. 423, An act relating to unincorporated societies and lodges.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Dugas of Berlin at 1:15 o'clock the House adjourned.

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### THURSDAY, MAY 22, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Messrs. Cauty of Portsmouth, Boucher and Hebert of Somersworth, Brown of Gilmanton, Wiggin of Conway, O'Neil and Lesmerises of Manchester, Kempton of Newport, Cram of Unity, Pelletier of Keene, Brennan of Westmoreland, Morse of Warren, Hinchey and Hayes of Berlin were granted leaves of absence for the day on account of important business.

Messrs. Conway and Getz of Manchester were granted leaves of absence for the week on account of important business.

Mr. Kane of Portsmouth was granted leave of absence until further notice on account of illness.



### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 121, An act relating to the poll tax of soldiers and sailors.

House Bill No. 373, An act relating to the care and custody of female convicts.

House Bill No. 375, An act relative to the admittance of feeble-minded persons to Laconia State School.

House Bill No. 379, An act making provision for the state to cooperate and participate in the administration of the so-called stamp plan and school lunch program of the federal government.

House Bill No. 397, An act relative to the fish and game department and activities thereof.

House Bill No. 418, An act relating to Weare reservoir, Deering lake and Trickling Falls reservoir.

Senate Joint Resolution No. 1, Joint resolution in favor of William R. Stevens.

House Joint Resolution No. 65, Joint resolution in favor of Manena Rivers.

The report was accepted.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 403, An act changing the date for licensing dogs from May first to April first, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 69, An act providing for purchases for cities, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 53, An act relative to service of process in small claims court, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 75, An act relative to the service of process against motor vehicle operators, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred Senate Bill No. 47, An act relating to the challenge of voters, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred Senate Bill No. 33, An act in amendment of chapter 60, section 26 of the Public Laws, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the title and inserting in place thereof the following: An act relating to service exemption.

Amend section 1 by striking out the words "who has resided in this state for one year immediately preceding his application" in lines three and four and inserting in place thereof the words, who is a resident of this state, so that the same shall read as follows:

1. Section 26, Chapter 60, of the Public Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: 26. Every soldier, sailor or marine who is a resident of this state and who served for thirty days or more in any war in which the United States has been engaged and received an honorable discharge from the service of the United States in such war, and the wife or widow of any such soldier, sailor or marine; in consideration or recognition of such service, shall be exempt each year from taxation upon his taxable property to the value of one thousand dollars; provided that before April fifteenth of each year he shall file with the selectmen or assessors his application therefor, under oath, on blanks prescribed by the state tax commission, showing that he and his wife do not own property, exclusive of any bona fide encumbrances thereon, to the value of five thousand dollars. In case such soldier, sailor or marine shall satisfy the selectmen or assessors that he was prevented from filing said statement through accident, mistake or misfortune, said selectmen or assessors may receive such statement at a later date and grant an exemption thereunder. In case such soldier, sailor or marine shall own taxable property in more than one town he shall take his exemption first in the town where he resides. If he does not own one thousand dollars in value of taxable property in the town where he resides, he shall be entitled to take the balance of such exemption in any other town in the state where he owns taxable property.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.



Mr. Bilodeau of Nashua, for the Committee on Insurance, to whom was referred House Bill No. 433, An act relating to liability insurance, reported the same with the amendment as printed in the Journal of May 21, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 436, An act relating to the payment of county taxes, with the recommendation that the bill be referred to the Committee on Towns and Counties.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Towns and Counties.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 49, An act providing for airport zoning, reported the same with the amendment as printed in the Journal of May 21, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 36, An act relating to town offices, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Town Offices.* Amend section 37, chapter 47 of the Public Laws (section 43, chapter 59, commissioners' report) by striking out said section and inserting in place thereof the following: 37. *Incompatibility.*

No person shall hold any two of the following-named town offices at the same time,—selectman, treasurer, collector of taxes, and auditor; no person shall at the same time hold the office of highway agent and selectman and no person shall at the same time hold the office as head of any police department, on full time duty, and selectman.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 426, An act relative to the audit of municipal accounts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 27 in section 1 by adding at the end thereof the following: unless an audit of the accounts of such county has been made during said period by a certified public accountant and said certified public accountant's complete report is available to the public, so that said section as amended shall read as follows: 27. *Audit on Motion of Commission.* The commission may cause an audit to be made of the accounts of any city, town, school district, village district or precinct, as often as once in two years, or whenever conditions appear to it to warrant such audit. The commission shall cause an audit to be made of the accounts of each county as often as once in two years, or more often when conditions appear to warrant such audit, unless an audit of the accounts of such county has been made during said period by a certified public accountant and said certified public accountant's complete report is available to the public.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 415, An act relative to the salary of the secretary of the State Board of Health, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out said section and inserting in place thereof the following:

1. *Secretary of State Board of Health.* Amend section 12 of chapter 125 of the Public Laws (section 13, chapter 145, commissioners' report) by striking out said section and inserting in place thereof the following: 12. *Salary.* The salary of the secretary shall be four thousand dollars a year. Notwithstanding the provisions of any other law said secretary shall not be entitled to any other state compensation for official duties as such secretary or for duties in connection with the board of registration in medicine or any other state board of which he may be an appointive or ex-officio member.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 434, An act relating to forest fires and their prevention, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 by inserting at the end thereof the words: No registration of a portable mill shall be granted until the applicant therefor has furnished a receipt or certificate showing that the taxes assessed thereon for the preceding year have been paid, so that said section as amended shall read as follows: 3. *Mills Registered.* Amend section 55 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 55. *Regis-*



*tration.* No person shall in any year operate or cause to be operated any portable mill sawing lumber or other mill sawing lumber, in or near woodlands as defined in section 30 of chapter 197 of the Public Laws as inserted by chapter 124 of the Laws of 1935, or where fire may be communicated to such land, until said mill shall be registered by the state forestry and recreation commission. Application for registration shall be in writing, giving the name of the owner or owners, the location and type of mill and such other pertinent information as the commission may require. No registration of a portable mill shall be granted until the applicant therefor has furnished a receipt or certificate showing that the taxes assessed thereon for the preceding year have been paid.

Amend section 5 by striking out the words "all such mills" and inserting in place thereof the words, all mills subject to registration hereunder, so that said section as amended shall read as follows:

5. *Equipment Required.* Amend section 59 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 59. *Equipment.* All portable steam mills, except when the ground is covered with snow, shall be equipped with a suitable spark arrester to prevent forest fires, and all mills subject to registration hereunder which dispose of mill waste by burning, except when the ground is covered with snow, shall be equipped with incinerators approved by the state forester. All mills subject to registration hereunder shall also be equipped with such fire-fighting equipment as the state forester shall specify, provided the cost thereof does not exceed fifty dollars for each mill.

Amend section 8 by inserting after the word "unit" the words, except trucks and pleasure motor vehicles, so that said section as amended shall read as follows:

8. *Protection Against Fires.* Amend chapter 197 of the Public Laws by adding after section 29 as inserted by chapter 124 of the Laws of 1935 (commissioners' report, chapter 232, section 29) the following new section: 29-a. *Other Precautions.* During periods when woodland is closed, the operation of saw mills and other machine units, except trucks and pleasure motor vehicles, in or near woodland may also be suspended and smoking prohibited. All persons engaged in lumbering operations may be required to furnish sufficient fire guards to patrol areas under operation, to provide sufficient fire-fighting tools which shall be located at convenient places therein, to forbid smoking within such areas and to take all other reasonable precautions to prevent fires. Each day's violation of any such suspension and each day's failure to meet any requirement hereof shall constitute a separate offense for which a fine of fifty dollars may be imposed. Unlawful smoking shall be punishable by a fine of ten dollars.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 67, An act relative to appointment to the State Board of Registration of Funeral Directors and Embalmers, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out in the second and third lines the words, "upon its passage." and inserting in place thereof the following, January 1, 1942, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect January 1, 1942.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 67, An act relative to appointment to the State Board of Registration of Funeral Directors and Embalmers, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

ROBERT E. CARTER,  
FRANK B. CLARKE,  
ROBERT A. JOHNSON,  
THOMAS W. FECTEAU,  
PATRICK J. O'CONNELL,

*A Minority of the Committee.*

The report was accepted.

Mr. Carter of Manchester moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass with amendment."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Carter of Manchester and Sweeney of Nashua spoke in favor of the motion.

Mr. Osborne of Concord and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Carter of Manchester asked for a division.

A division being had, 125 members voted in the affirmative and 149 members voted in the negative, and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having voted neither in the affirmative nor in the negative, no valid action was taken and the bill with the amendment and motion pending, went into unfinished business.



### Resolution

On motion of Mr. Callahan of Keene.

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10:00 o'clock and that when it then adjourns, it adjourns to meet Tuesday morning at 11:00 o'clock.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 18 (in new draft and new title), An act relative to the time of closing the polls.

House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shell and anadromous of the Atlantic seaboard.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill and joint resolution, sent up from the House of Representatives:

House Bill No. 210, An act relative to the disqualification of special justices of municipal courts.

House Joint Resolution No. 42, Joint resolution for a memorial to Major Benjamin Whitcomb.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 154 (in new draft), An act relating to the admissibility of evidence.

Amend said bill by striking out section 1 thereof and substituting in its place the following: 1.

*Amendment.* Amend section 28, chapter 336 of the Public Laws (section 28 of chapter 382, commissioners' report) by striking out said section and inserting in place thereof the following new section:

28. *Exception.* If the court finds that injustice may be done without the testimony of the party, the court may, in its discretion, allow such party to testify.

On motion of Mr. Upton of Concord, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 343, An act relating to the election of representatives to the general court.

Amend the fourth paragraph of section 1 by inserting after the figure "9" in the third line, the words and figures, Manchester ward 14; so that said paragraph as amended shall read as follows:

Three representatives each from Berlin ward 3, Concord ward 4, Conway, Dover ward 1, Dover ward 2, Dover ward 4, Farmington, Hanover, Haverhill, Hudson, Keene ward 1, Lancaster, Manchester ward 9, Manchester ward 14, Milford, Nashua ward 2, Nashua ward 3, Nashua ward 5, Nashua ward 6, Nashua ward 7, Portsmouth ward 1, Salem.

Amend the sixth paragraph of section 1 by inserting after the words and figures "Manchester ward 7," the words, Manchester ward 8; so that said paragraph as amended shall read as follows:

Five representatives each from Berlin ward 1, Concord ward 6, Concord ward 7, Derry, Manchester ward 2, Manchester ward 3, Manchester ward 7, Manchester ward 8, Manchester ward 12, Manchester ward 13, Nashua ward 8.

Amend the ninth paragraph of section 1 by striking out the same.

On motion of Mr. Osborne of Concord, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 60, Joint resolution making appropriation for the YD Convention to be held in the city of Manchester.

Amend the joint resolution by striking out the words and figures "five thousand dollars (\$5,000)" in the first line and substituting therefor the words and figures, three thousand dollars (\$3,000); so that said joint resolution as amended shall read:

That the sum of three thousand dollars (\$3,000) be and hereby is appropriated for the purpose of contributing towards the expenses of the National YD Convention to be held in the city of Manchester in June, 1941. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

On motion of Mr. O'Shan of Laconia, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following house bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:



Senate Bill No. 72, An act relative to the Community Hospital of Walpole.

Amend section 1 by striking out the first five lines and inserting in place thereof the following:

1. *County Appropriations.*

Further amend said bill by adding at the end thereof the following:

3. *Repeal.* Chapter 125 of the Laws of 1925, relative to county appropriations, is hereby repealed.

Amend the title of said bill by adding at the end thereof the words, Elliot Community Hospital of Keene.

On motion of Mr. Pierce of Walpole the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 357, An act relating to special meetings of county conventions.

Amend section 1 by inserting after the first sentence the following:

2. *Meetings During Session.* Amend said chapter 35 by adding after section 17 the following: 17-a. *Calling.*

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Chase of Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives.

House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver.

Amend section 1 of the bill by adding at the end thereof the following, the fee for licenses issued to residents of the state shall be fifty cents, which fee shall be for the use of the town granting said licenses; the fee for licenses granted to out of state residents shall be one dollar, which fee shall be for the use of the state; so that said section as amended shall read:

1. *License to Carry.* Amend section 6 of chapter 149 of the Public Laws by inserting after the word "person" in the second line the words, who is a resident therein, or by the superintendent or some person designated by him in the department of the State Police, if a non-resident; further amend by inserting after the word "selectman" in the ninth line the words, or the mayor, so that said section as amended shall read as follows: 6. *License to Carry.* The selectmen of a town or the mayor or chief of police of a city may, upon application of any person who is a resident therein, or by the superintendent or some person designated by him in the department of the State Police, if a non-resident, issue a license to him to carry a loaded pistol or revolver in this state, for not more than one year from the date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the selectmen, or the mayor, or chief of police for one year. The fee for licenses issued to residents of the state shall be fifty cents, which fee shall be for the use of the town granting said licenses; the fee for licenses granted to out of

state residents shall be one dollar, which fee shall be for the use of the state.

On motion of Mr. Velishka of Nashua the House non-concurred and a committee of conference was appointed.

The Speaker appointed as members on such committee Messrs. Osborne of Concord, Corson of Derry and Velishka of Nashua.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 46, An act relating to municipal finances.

Senate Bill No. 51, An act relative to power of towns to make by-laws or ordinances licensing hawkers and peddlers.

Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's Sons.

Senate Bill No. 57, An act relating to salaries for councilmen in the city of Portsmouth.

Senate Bill No. 58, An act to provide for a committee on wood waste utilization.

Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds.

Senate Bill No. 66, An act for the adoption of a state song.

Senate Bill No. 71, An act relating to the reporting of the expenses of the justices of the superior court.

Senate Bill No. 73, An act relating to the operation and control of ski tows.

#### **Senate Bills Read and Referred**

Senate Bill No. 46, An act relating to municipal finance.

Senate Bill No. 58, An act to provide for a committee on wood waste utilization.



Severally read a first and second time, and referred to the Committee on Appropriations.

Senate Bill No. 51, An act relative to powers of towns to make by-laws or ordinances licensing hawkers and peddlers.

Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's Sons.

Senate Bill No. 71, An act relating to the reporting of the expenses of the justices of the superior court.

Severally read a first and second time, and referred to the Committee on Revision of the Statutes.

Senate Bill No. 57, An act relating to salaries for councilmen in the city of Portsmouth.

Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds.

Senate Bill No. 73, An act relating to the operation and control of ski tows.

Severally read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 66, An act for the adoption of a state song.

Read a first and second time.

Mr. Wyman of Candia moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Wyman of Candia, Robbins of Fremont, Robbins of Thornton, Duncan of Jaffrey, Grinnell of Derry and Tilton of Concord spoke in favor of the motion.

Messrs. Hayes of Tuftonborough, Morrison of Derry, Carter of Manchester, Comi of Concord and Betley and Gage of Manchester spoke against the motion.

Mr. Atherton of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

Mr. Hayes of Tuftonborough demanded the yeas and nays, and the roll was called with the following result:

YEAS, 202

ROCKINGHAM COUNTY: Tuttle, Stowe, Lake, Wyman, Goodrich, Currier, Fogg of Deerfield, Bourn, Cilley, Robbins of Fremont, Evans of Kensington, Nesmith, Pridham, Coleman, Prescott, Hobbs, Palmer, Barrett, Kittredge, Foote of Portsmouth, Redden, Yeaton, McNeil, Holmes, Tucker, Peever.

STRAFFORD COUNTY: Kennard, Leighton, Bartlett of Lee, Longley, Nadeau of Rochester, Nutter, Habel, Coffin, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Philbrick of Belmont, Nichols, Lord, Tarlson, Guay of Laconia, Tilton of Laconia, Ward 3, Roucher, Tilton of Laconia, Ward 4, Merrill of Laconia, Ewing, Hopkins, Woodman.

CARROLL COUNTY: Huntress, Knox, Young.

MERRIMACK COUNTY: Phelps, Carter of Boscawen, Coakley, Veroneau, Henry, Nash, Clinton, Osborne of Concord, Tilton of Concord, Brunel, Mayo, Ford, Bunker, Riel, Douphinett, Maxwell, DuDevoir, Nelson of Hopkinton, Cloues, Mock.

HILLSBOROUGH COUNTY: Bills, Graham, Farwell, Clark of Francestown, Brown of Goffstown, Boynton, Gay of Hillsborough, Lievens, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Bresnahan, Dulac, La-

croix, Gaumont, Adams of Manchester, Egan, Caron, Gilmartin, Durette, Huard, Prince, Rosseau, Daniel of Manchester, Ward 13, Ellison, Wadleigh, Atherton, Woodbury of Nashua, Landry, Goulet, Trombley, Spalding, Bilodeau, Paquette, Betters, Goyette, Cormier, LeBlanc, Wilcox, Shedd, Thompson, Bigelow, Bass, Myhaver, Dugan.

CHESHIRE COUNTY: Winslow, Thomas, Clark of Harrisville, Robertson, Duncan, Mills, Batchelor, Fris-sell, Lombard, Mason of Keene, Lichman, Duffy, Pickett, Tarbox, Blake, Wheeler, Grimes, Doucette, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Daly, Decker, Delorier, Brigham, Condon, Mark, Philbrick of Springfield, Osborne of Sunapee.

GRAFTON COUNTY: Rollins of Alexandria, Blandin, Noyes, Coolidge, Pulsifer, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Haley, Oakes, Butler, Gile of Lebanon, Guay of Lebanon, Jette, Collins of Lisbon, Hamilton of Lisbon, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Barney, Robbins of Thornton, Gilbert.

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lazure, Studd, Christiansen, Ramsey, Bixby, Gagnon, Parkhurst, Chandler, Fraser, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.

#### NAYS, 74

ROCKINGHAM COUNTY: Corson, Grinnell, Morrison, Spollett, Merrill of Hampton, Keay, Johnson of Northwood, Dondero.

STRAFFORD COUNTY: Ackroyd, Hale of Rochester, Hayes of Rochester, Ward 6.

BELKNAP COUNTY: Neal, Smith of New Hampton, Rogers.



CARROLL COUNTY: Simpson, Grindle, Hill, Smart of Ossipee, Vittum, Hayes of Tuftonboro, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Moore of Bradford, Sanborn of Chichester, Otis, Fletcher, Matson, Comi, Sullivan of Concord, Maxfield, Lemire, Whittier, Rounds, Carr, Freese.

HILLSBOROUGH COUNTY: Bartlett of Goffstown, Wakefield, Reynolds, Charois, Carter of Manchester, Gage, Woodbury of Manchester, McGowan, Betley, Booth, O'Connell, Gorham, Donnelly, Driscoll, Aubin, Duval, Turgeon, Carter of Merrimack, Cooper, Davis of Nashua, Sullivan of Nashua, Ward 4, Sweeney of Nashua, Ward 7, Grandmaison, Peaslee.

CHESHIRE COUNTY: Moore of Alstead, Miller, Hanson, Callahan, Pierce.

SULLIVAN COUNTY: None.

GRAFTON COUNTY: Brown of Ashland, Clark of Canaan, Davison, Blount.

COOS COUNTY: Brungot, Dugas, Seymour, Fuller, Weeks of Colebrook, Emerson of Dalton.

Pynn of Meredith voting No, paired with Maley of Newport voting Yes.

Potter of Concord, voting Yes, paired with Upton of Concord voting No.

And the bill was indefinitely postponed.

### Reconsideration

Mr. Wyman of Candia moved that the House reconsider the vote whereby the House voted to indefinitely postpone, Senate Bill No. 66, An act for the adoption of a state song.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolutions

Mrs. Cooper of Nashua offered the following resolution:

*Whereas*, we have learned of the serious illness of Mrs. Eva E. Dow, mother of Edith Banfield, our fellow member from Moultonborough, therefore be it

*Resolved*, That the Clerk be instructed to send flowers to Mrs. Banfield's mother with our sympathy and best wishes for her speedy recovery to health.

On a *viva voce* vote the resolution was adopted.

Mr. Moore of Bradford offered the following resolution:

*Whereas*, this House has learned with pleasure of the ninety-sixth birthday of George L. Almedee, Sunapee, the only Civil War Navy Veteran in the state, therefore be it

*Resolved*, That the House of Representatives extend congratulations to said Mr. Almedee, and be it further

*Resolved*, That the Clerk be instructed to send flowers, and when the House adjourns today it be in honor of Mr. Almedee.

On a *viva voce* vote the resolution was adopted.

### Recalled from the Governor

Mr. Foote of Portsmouth moved that Senate Bill No. 23, An act relating to the biennial referendum, be recalled from His Excellency the Governor, for further consideration.

The question being on the motion of Mr. Foote.

(Discussion ensued)

Mr. Blandin of Bath spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

On motion of the same member the House reconsidered its vote whereby it passed the bill.

On motion of the same member the House reconsidered its vote whereby the bill was ordered to a third reading.

On motion of the same member the bill was recommitted to the Committee on Liquor Laws.

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles, made in order.

### Third Readings

House Bill No. 415, An act relative to the salary of the secretary of the State Board of Health.

House Bill No. 433, An act relating to liability insurance.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 33, An act in amendment of chapter 60, section 26 of the Public Laws.

Senate Bill No. 49, An act providing for airport zoning.

Senate Bill No. 36, An act relating to town offices.

Severally read a third time and passed, and sent to the Senate for concurrence in the amendments.

Senate Bill No. 47, An act relating to the challenge of voters.

Senate Bill No. 53, An act relative to service of process in small claims court.

Senate Bill No. 69, An act providing for purchases for cities.

Senate Bill No. 75, An act relative to the service of process against motor vehicle operators.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Lazure of Berlin at 1:40 o'clock the House adjourned.



TUESDAY, MAY 27, 1941

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SATURDAY, MAY 24, 1941.

The House met at 10 o'clock.

The following letter was read by the Clerk:

Saturday, May 24, 1941.

Mr. O. William Hayes,  
Rochester, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,

*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, MAY 27, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Messrs. Wiggin of Conway, Lievens of Hollis and Getz of Manchester were granted leaves of absence for the day on account of important business.

Messrs. Kennard of Dover, Bunker of Epsom, and Bigelow of Pelham were granted leaves of absence for Wednesday on account of important business.

Messrs. Labranche and Rousseau of Newmarket, O'Brien of Manchester, and Fuller of Colebrook were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Goodale of Exeter, Roukey of Manchester, and Sayers of Keene were granted leaves of absence for Thursday on account of important business.

Messrs. Canty of Portsmouth, Hamel of Somersworth, Barry and Delisle of Manchester, Brennan of Westmoreland and Miss Bailey of Newport were granted leaves of absence for the week on account of important business.

Mr. Gray of Portsmouth was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 47, An act relating to the challenge of voters.

Senate Bill No. 72, An act relative to the Community Hospital of Walpole and Elliot Community Hospital of Keene.

House Bill No. 18, An act relative to the time of closing the polls.

House Bill No. 129, An act relative to care of deserted and abandoned cemeteries.

House Bill No. 154, An act relating to the admissibility of evidence.

House Bill No. 343, An act relating to the election of representatives to the General Court.

House Bill No. 357, An act relating to special meetings of county conventions.

House Bill No. 363, An act relative to a compact between certain states to promote the better utilization of the fisheries, marine, shell and anadromous of the Atlantic seaboard.

House Bill No. 381, An act relative to the appropria-

tion of money by the town of Bristol for transportation to the railroad at Franklin.

House Bill No. 427, An act legalizing the proceedings taken at the annual town meeting in Milan on March 11, 1941, relative to acquiring land and building a town hall.

House Bill No. 428, An act authorizing the town of Lyme to issue refunding notes or bonds and validating proceedings of the town meetings of the town of Lyme.

The report was accepted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred Senate Bill No. 61, An act relative to pari mutuel pools, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the figures "1952" and inserting in place thereof the figures, 1944, in the twelfth line, so that said section as amended shall read as follows:

1. *Extension of Act.* Amend section 14, chapter 27, Laws of 1935, as amended by section 1, chapter 15, Laws of 1939 (section 15, chapter 168, commissioners' report) by striking out said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1944, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one-half of which breakage shall be retained by the



licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the four and one-half per cent tax hereinafter prescribed.

The report was accepted.

Mr. Betley of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Betley of Manchester and Sweeney of Ward 2, Nashua, spoke in favor of the motion.

Messrs. Tarbox of Marlboro, Noyes of Bethlehem, Higley of Acworth, Hunter of Hanover, Blandin of Bath and Tilton of Ward 4, Laconia, spoke against the motion.

Mr. Cormier of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Fecteau of Epping demanded the yeas and nays and the roll was called with the following result:

YEAS, 90

ROCKINGHAM COUNTY: Tuttle of Atkinson, Stowe, Goodrich, Evans of Kensington, Nesmith, Prescott, McNeil.

STRAFFORD COUNTY: Jackson, Keenan, Beaudoin, Potvin, Hebert.

BELKNAP COUNTY: Lord, Guay of Laconia, Merrill of Laconia, Smith of New Hampton, Woodman.

CARROLL COUNTY: Smart of Ossipee, Knox.

MERRIMACK COUNTY: Morgan, Moore of Bradford, Laird, Otis, Nash, Osborne of Concord, Tilton of Concord, Matson, Upton, Ford, Bunker, Lemire, Douphinet, Maxwell, Rounds, Swift, Freese.

HILLSBOROUGH COUNTY: Bills, Farwell, Reynolds, Carter of Manchester, Gage, Kean, Betley, Dulac, O'Connell, Turcotte, Benoit of Manchester, Ward 8, Kane of Manchester, Gilmartin, Durette, Rosseau, Duval, Wadleigh, Woodbury of Nashua, Sweeney of Nashua, Ward 2, Carrier, Trombley, Velishka, Betters, Sweeney of Nashua, Ward 7, Grandmaison, Wilcox, Senechal, Bass, Dugan.

CHESHIRE COUNTY: Winslow, Miller, Clark of Harrisville, Duncan, Pickett.

SULLIVAN COUNTY: Hamlin, Daly, Delorier, Marcotte, Mercier, Mark, Cram.

GRAFTON COUNTY: Coolidge, Clark of Canaan, Sanborn of Enfield, Valia, Gile of Lebanon, Guay of Lebanon, Jette, Sawyer.

COOS COUNTY: Collette, Moffett, Kimball, Morris, Baldwin, Weeks of Stewartstown.

#### NAYS, 279

ROCKINGHAM COUNTY: Lake, Wyman, Currier, Fogg of Deerfield, Berthiaume, Corson, Grinnell, Fecteau, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Keay, Pridham, Patridge, Coleman, Labranche, Rousseau of Newmarket, Hobbs, Johnson of Northwood, Sanborn of Nottingham, Palmer, Barrett, Dondero, Kittredge, Foote of Portsmouth, Redden, Yeaton, Schlegel, Burkhardt, Holmes, Tucker, Barron, Peever, Foote of Seabrook, Jewell of Stratham.

STRAFFORD COUNTY: Hayes of Barrington, Hayes of Dover, Courchene, Cronin, Shaheen, Hartford,

Kennard, Ackroyd, Leighton, Lucas, Brennan of Dover, Smart of Durham, Blanchard, Webster, Bartlett of Lee, Longley, Smith of New Durham, Nadeau of Rochester, Conrad, Hale of Rochester, Fernald, Hayes of Rochester, Ward 6, Nutter, Habel, Roucher, Nadeau of Somersworth, Coffin, Berry.

BELKNAP COUNTY: Rollins of Alton, Cotton, Nichols, Brown of Gilmanton, O'Shan, Tarlson, Langlois, Tilton of Laconia, Ward 3, Roucher, Tilton of Laconia, Ward 4, Ewing, Hopkins, Neal, Pynn, Rogers.

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Nickerson, Banfield, Vittum, Hayes of Tuftonboro, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Guilbeault, Phelps, Carter of Boscawen, Sanborn of Chichester, Coakley, Veroneau, Davis of Concord, Henry, Potter, Fletcher, Clinton, Sturtevant, Bunten, Mayo, Comi, Milburn, Maxfield, Riel, DuDevoir, Lafond, Nelson of Hopkinton, Kenney, Carr, Boisvert, Perkins, Connor, Cloues, Mock, Stuart.

HILLSBOROUGH COUNTY: Graham, Wiggin of Bedford, Edwards, Clark of Francestown, Bartlett of Goffstown, Brown of Goffstown, Charois, Boynton, Gay of Hillsborough, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Barry, Bresnahan, Dowd, Frain, McGowan, O'Neil, Creighton, Healy, Mahoney, O'Brien, Booth, Fox, Slowey, Gaumont, Gorham, Tessier, Constant, Donnelly, Adams of Manchester, Driscoll, Egan, Caron, Stewart, Roukey, Aubin, Huard, Prince, Daniel of Manchester, Ward 13, Lesmerises, Turgeon, Carter of Merrimack, Ellison, Jewett, Atherton, Cooper, Davis of Nashua, Landry, Goulet, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Paquette, Shea of Nashua, Goyette,



Cormier, LeBlanc, Bouthillier, Shedd, Thompson, Bigelow, Peaslee.

CHESHIRE COUNTY: Moore of Alstead, Hanson, Robertson, Mills, Batchelor, Callahan, Frissell, Lombard, Mason of Keene, Lichman, Sayers, Duffy, Tarbox, Hale of Rindge, Blake, Wheeler, Grimes, Doucette, Pierce, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Higley, Beland, Decker, Gaffney, Murphy, Witherill, Brigham, Condon, Kempton, Philbrick of Springfield, Osborne of Sunapee.

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Pulsifer, Hodge, Gile of Hanover, Holden, Hunter, Cryan of Haverhill, Davison, Dean, Haley, Burby, Butler, Adams of Lincoln, Collins of Lisbon, Hamilton of Lisbon, Blount, Collins of Littleton, Downing, Whitcomb, Bailey of Lyme, Johnson of Monroe, Cushman, Day, Bell, Merrill of Plymouth, Barney, Robbins of Thornton, Morse, Gilbert.

COOS COUNTY: Hinchey, Mason of Berlin, Smith of Berlin, Lazure, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Hayes of Berlin, Seymour, Fuller, Parkhurst, Emerson of Dalton, Chandler, Fraser, Cryan of Lancaster, Fogg of Milan, Ashe, Marshall, Hutchins, Taylor.

Sullivan of Concord, voting Yes, paired with Anderson of Manchester, voting No.

Woodbury of Manchester, voting Yes, paired with Jean of Manchester, voting No.

And the motion to indefinitely postpone did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Velishka of Nashua offered the following amendment.

Amend section 1 by striking out the figure, "1946" in the twelfth line (of the printed bill) and inserting

in place thereof the figure, 2946, so that said section as amended shall read as follows: 1. *Extension of Act.* Amend section 14, chapter 27, Laws of 1935, as amended by section 1, chapter 15, Laws of 1939 (section 15, chapter 168, commissioners' report) by striking out said section and inserting in place thereof the following: 14. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 2946, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the four and one-half per cent tax hereinafter prescribed.

The question being on the amendment offered by Mr. Velishka.

(Discussion ensued)

Messrs. Velishka and Sweeney, Ward 2, Nashua, spoke in favor of the amendment.

Mr. Tarbox of Marlboro spoke against the amendment.

On a *viva voce* vote the amendment was not adopted and the bill was ordered to a third reading.

Mr. Mills of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 287 (in second new draft), An act to regulate outdoor advertising in rural and residential areas, reported the same with the

following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 6 by striking out in the first line the words "no permit shall be granted for any sign or advertising structure" and inserting in place thereof the following: No sign or advertising structure shall be erected or maintained, so that the same shall read as follows: 6. *Limitation.* No sign or advertising structure shall be erected or maintained (a) within 500 feet of the intersection or junction of a highway with another highway, or with a railroad at a point where it would obstruct the view of a train or other vehicle on the intersection or joining highway or railroad; or (b) which in the judgment of the Division is or would be injurious to property in the vicinity thereof; or (c) would endanger the safety of any persons using any highway; or (d) in any place where the unusual scenic beauty of the surrounding land would be impaired thereby; or (e) the area of which exceeds 600 square feet; or (f) within the highway bounds.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 287 (in second new draft), An act to regulate outdoor advertising in rural and residential areas, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

HARRY C. LICHMAN,  
J. H. PERKINS,  
JOHN D. WILCOX,

*A Minority of the Committee.*

The report was accepted.

Mr. Lichman of Keene moved that the bill and its accompanying reports be indefinitely postponed.



The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Lichman of Keene, Seymour of Carroll, Betley of Manchester, O'Shan of Laconia, Fernald of Rochester, Pickett of Keene and Gay of Hillsborough and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Condon of Newport, Mills of Jaffrey, Bass of Peterborough, Robbins of Thornton and Blandin of Bath and Mrs. Morris of Lancaster spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Tilton of Ward 4, Laconia, asked for a division.

A division being had 255 members voted in the affirmative and 61 members voted in the negative, the motion to indefinitely postpone the bill and its accompanying reports prevailed.

### Reconsideration

Mr. Lichman of Keene moved that the House reconsider the vote whereby it voted to indefinitely postpone House Bill No. 287 (in second new draft), An act to regulate outdoor advertising in rural and residential areas.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate

Bill No. 30, An act relating to plumbing, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 30, An act relating to plumbing, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

ROBERT E. CARTER,  
THOMAS FECTEAU,  
PATRICK O'CONNELL,  
FRANK B. CLARK,

*A Minority of the Committee.*

The report was accepted.

Mr. Carter of Manchester moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Carter of Manchester, Velishka and Sweeney of Ward 2, Nashua and Upton of Concord spoke in favor of the motion.

Messrs. Palmer of Plaistow and Osborne of Concord spoke against the motion.

Mr. Noyes of Bethlehem moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

Mr. Carter of Manchester asked for a division.

A division being had, 65 members voted in the affirmative and 233 members voted in the negative, the motion to substitute the report of the minority

"ought to pass" for the report of the majority "inexpedient to legislate" did not prevail.

The question being on the resolution of the committee, that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Osborne of Concord moved that the House reconsider the vote whereby it voted as inexpedient to legislate Senate Bill No. 30, An act relating to plumbing.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 434, An act relating to forest fires and their prevention, reported the same with the amendment, as printed in the Journal of May 22, and the recommendation that the bill as amended ought to pass.

Mr. Smart of Ossipee moved that the bill and amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Smart of Ossipee spoke in favor of the motion.

Messrs. Tarbox of Marlboro, Adams of Lincoln and Collins of Lisbon spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

On a *viva voce* vote the amendment was adopted and the bill referred to the Committee on Appropriations, under the rules.

Mr. Adams of Lincoln, for the Committee on Labor, to whom was referred House Bill No. 15, An act rela-



tive to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by other legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 369, An act providing for annual audits for certain state departments, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The question being on the resolution of the committee.

(Discussion ensued)

Mr. Sweeney of Ward 2, Nashua, spoke in favor of the resolution.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Adams of Lincoln, for Committee on Labor, to whom was referred House Bill No. 39, An act relating to workmen's compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following:

1. *Workmen's Compensation*. Amend section 13 of chapter 178 of the Public Laws, as amended by chapter 40 of the Laws of 1933 (section 14 chapter 209, commissioners' report) by striking out the word "thirty" and inserting in place thereof the word, sixty, so that said section as amended shall read as follows: 13. *Remedial Care*. During the first sixty days after an injury to an employee, an employer who has accepted the compensation provisions of this chap-

ter shall furnish to the employee, or cause to be furnished, free of charge, reasonable medical and hospital services or other remedial care when needed, unless the injured employee shall decline or refuse to allow them to be furnished. Such aid shall not be considered under the provisions of section 25.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 378, An act to exempt cooperative marketing associations from regulation as carriers for hire, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Joint Resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice and pleading, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations under the rules.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 429, An act providing a deficiency appropriation for certain state departments, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Weeks of Colebrook, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 437, An act designating for improvement a new defense highway, with the recommendation that the bill be referred to the Committee on Public Improvments.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Public Improvements.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred House Bill No. 426, An act relative to audit of municipal accounts, reported the same with the amendment, as printed in the Journal of May 22, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 411, An act making appropriations for capital improvements for the State of New Hampshire, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title by striking out the same and inserting the following:

An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

Amend paragraph (g) of section 2 by adding after the word "block" in the 4th line the words, and erect steel grills along tier walks, so that said paragraph as amended shall read as follows:



(g) to reconstruct the front entrance and guard room at the State prison and to complete the kitchen and dining room equipment of the new cell block, and erect steel grills along tier walks, \$37,500.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by inserting after section 1 the following new section: 2. *Estate Taxes*. Amend section 12 of chapter 72-A of the Public Laws, as inserted by chapter 125, Laws of 1931 (chapter 88, commissioners' report) by adding after the word, "Laws", in the second line the words, and any amendments thereto, so that said section as amended shall read as follows: 12. *Provisions Applicable*. The provisions of chapter 72 of the Public Laws, and any amendments thereto relating to the tax on legacies and successions, shall apply to the taxes imposed by this act in so far as the same are applicable and not in conflict with the provisions hereof.

Further amend said bill by renumbering section 2 as section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 405, An act relating to income from motor vehicle road tolls, reported the same in new draft, with the recommendation that the bill in its new draft be recommitted to the committee.

The report was accepted, the bill in its new draft read a first and second time, laid upon the table to be

printed and recommitted to the Committee on Ways and Means.

Mr. Hale of Rindge, for the Committee on Appropriations, to whom was referred House Bill No. 194 (in new draft), An act creating a retirement system for policemen, reported the same in second new draft with the recommendation that the bill in its second new draft ought to pass.

The report was accepted, and the bill in its second new draft was laid upon the table to be printed.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 431, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1942, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted, and the bill in its new draft was laid upon the table to be printed.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 430, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1943, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted, and the bill in its new draft was laid upon the table to be printed.

Mr. Smart of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 421, An act relative to the retirement system for firemen, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the same and inserting in place the following: 4. *New Hampshire State Permanent Firemen's Association.*

All permanent firemen in this state (who are under seventy years of age at the time of the passage of this act and) who accept the provisions of this act by making application to the retirement board and by agreeing to abide by such rules and regulations as it may prescribe pursuant to this act, are entitled to the benefits of this act except as provided in section 4-a. All applications to the retirement board must be made within thirty days after the passage of this act, provided, however, that all persons who are not permanent firemen at the date of the passage of this act, but who thereafter become permanent firemen, shall make application to the board not later than thirty days after becoming permanent firemen. All permanent firemen who fail to accept this act within the time limits specified shall be ineligible to receive the benefits of this act. Permanent firemen accepting the provisions of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town or precinct which employs them.

Amend section 9 by striking out said section and inserting in place thereof the followin:

9. *Additional Assessments.* Amend said chapter 154 by inserting after section 7 the following new sections: 7-a. *Assessments from Firemen.* At the beginning of each fiscal year the retirement board shall fix the assessment upon the annual salaries of all permanent firemen who accept the provisions of this act. The rate of assessment shall be four per cent of each permanent firemen's annual salary. The board shall, in such manner as it may prescribe, give notice of the amount of assessment on each permanent fireman's salary to the treasurer or other disbursing officer of the city, town or precinct where such permanent fireman is employed. All assessments under this section and the following section shall be payable in



equal monthly installments on the last business day of each calendar month. It shall be the duty of the treasurer or other disbursing officer of a city, town or precinct which employs permanent firemen who accept the provisions of this act, to withhold from the monthly salary of each such permanent fireman, and to pay to the retirement board an amount equal to the monthly assessment against such permanent fireman's salary, as before provided. All permanent firemen who shall accept the provisions hereof, by such acceptance agree that the treasurer or other disbursing officer shall have the power to withhold from their monthly salaries the amounts as aforesaid. 7-b. *Assessments from Town, Cities or Precincts.* At the beginning of each fiscal year the retirement board shall assess upon the various cities, towns or precincts in the state employing permanent firemen, who have made application to the benefits of this act two per cent of the payroll of the permanent firemen of such city, town or precinct who are entitled to such benefits, provided that, if the board finds that the assessment upon each permanent firemen's annual salary together with the assessment upon the towns, cities and precinct and the contribution from the state will not be sufficient to keep this retirement system in a sound financial condition the board may assess such further sum against said cities, towns and precincts as, in the judgment of the board, may be necessary for said purpose. It shall be the duty of the treasurer or other disbursing officer to pay to the retirement board the sum assessed against said city, town or precinct, and said city, town or precinct is hereby authorized and directed to appropriate the sums necessary for said assessments.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

**Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 129, An act relative to care of small cemeteries.

House Bill No. 316, An act relating to boxing and wrestling.

House Bill No. 381, An act relative to the appropriation of money by the town of Bristol for transportation to the railroad at Franklin.

House Bill No. 387, An act relating to the transportation of explosives.

House Bill No. 406, An act relating to the discontinuance of railroad service.

House Bill No. 427, An act legalizing the proceedings taken at the annual town meeting in Milan on March 11, 1941, relative to acquiring land and building a town hall.

House Bill No. 428, An act authorizing the town of Lyme to issue refunding notes or bonds, and validating proceedings of the town meetings of the town of Lyme.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 422, An act relating to the election of county officers.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following new section:

The county officers elected at the November election, 1942, shall take office at the expiration of the term of

their predecessors, but in cases where the new term begins on April first said county officers shall only hold office from April 1, 1943 to January 1, 1945.

On motion of Mr. Corson of Derry the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to reconsider the vote whereby the report of the committee, inexpedient to legislate, on House Joint Resolution No. 42, Joint resolution for a memorial to Major Benjamin Whitcomb, was adopted, and the resolution recommitted to the Committee on Finance.

### **Personal Privilege**

Mr. Pulsifer of Campton rose to a point of personal privilege and stated he would like to have the minority report on House Bill No. 217 (in new draft and with new title), An act relating to the conservation of soil and soil resources and the prevention and control of soil erosion, inserted in the Journal of the House as a matter of record.

### **Resolution**

Mr. Foote of Portsmouth offered the following resolution:

*Whereas*, the House has learned with sorrow of the death of our fellow member, Patrick E. Kane of Portsmouth, therefore be it

*Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Burkhardt, Barrett, Yeaton, McNeil and Schlegel of Portsmouth.



**Concurrent Resolution**

Mr. Hunter of Hanover offered the following concurrent resolution:

*Whereas*, it appears that all necessary legislative work may be accomplished by Friday, June 13, instant, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 13, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

The question being on the concurrent resolution.

(Discussion ensued)

Messrs. Hunter of Hanover, Duncan of Jaffrey and Woodbury of Manchester spoke in favor of the resolution.

On a *vive voce* vote the resolution was adopted.

On motion of Mrs. Downing of Littleton the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

**Afternoon****Third Readings**

On motion of Mr. Guay of Laconia the rules were suspended, the third readings of bills by their titles and joint resolution by its caption made in order.

House Bill No. 39, An act relating to workmen's compensation.

House Bill No. 378, An act to exempt cooperative marketing associations from regulation as carriers for hire.

House Bill No. 411, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

House Bill No. 429, An act providing a deficiency appropriation for certain state departments.

House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 61, An act relative to pari-mutuel pools.

Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise.

Severally read a third time and passed and sent to the Senate for concurrence in amendment.

On motion of Mr. Guay of Laconia at 3:55 o'clock the House adjourned.

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WEDNESDAY, MAY 28, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Leaves of Absence**

Messrs. Hobbs of North Hampton, Nutter of Rollinsford, Hayes of Barrington, Jackson, Courchene and Brennan of Dover, Nadeau of Rochester, Hebert, Nadeau and Boucher of Somersworth, Cotton of Barnstead, Sanborn of Chichester, Healey, Mahoney and Stewart of Manchester, Sullivan of Nashua, ward 4, Mercier of Claremont, Barton of Lempster, Burby of Lebanon, Robbins of Thornton, and Weeks of Colebrook were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Smith of New Durham, Cronin of Dover, Rollins of Alton, Sturtevant of Concord, Graham of Antrim, Edwards of Bennington, Reynolds of Greenfield, Adams of Manchester, Schlegel and Velishka of Nashua, Myhaver of Peterborough, Haley of Holderness, Collins of Lisbon, Gagnon and Studd of Berlin, and Emerson of Dalton were granted leaves of absence for Thursday on account of important business.

Messrs. Getz and Carroll of Manchester were granted leaves of absence for the week on account of important business.

Mr. Gile of Hanover was granted leave of absence for Tuesday, June 3, on account of important business.

Mr. Wakefield of Goffstown was granted leave of absence for the rest of the session on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill and joint resolution:

Senate Bill No. 69, An act providing for purchases for cities.

House Joint Resolution No. 60, Joint resolution making appropriation for the Y. D. Convention to be held in the city of Manchester.

The report was accepted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 430, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1943, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The report was accepted and the bill ordered to a third reading.



Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 431, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1942, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 14, Joint resolution for an investigation of the efficiency and need of continuing the county form of government, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the Governor, with the advice and consent of the council, is hereby authorized and directed to appoint ten competent persons to constitute a commission for study and analysis of existing laws relating to the general subject of county expenditures which shall report to the next legislature its findings and recommendations as to the expediency of revising or amending the existing laws relating to county government or any part thereof, together with draft of any bills whose enactment it may recommend. Such commission shall, so far as practicable, be so composed as to give due representation to the different sections of the state. The members of such commission shall serve without compensation, but shall be reimbursed for their actual expenses. The commission shall have power to summon witnesses, who shall appear and testify under oath, the production of papers and the filing of reports and to employ any necessary legal,

clerical and stenographic assistants, the accounts therefor to be approved by the Governor and council. A sum not to exceed fifteen hundred dollars is hereby appropriated to carry into effect the provisions hereof, and the Governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

The report was accepted.

The question being on the amendment.

Mrs. Brungot of Berlin moved that the bill and amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mrs. Brungot of Berlin and Messrs. Seymour of Carroll, Tilton of Ward 4, Laconia and Velishka of Nashua spoke in favor of the motion.

Messrs. Hunter of Hanover, Bass of Peterborough, Frissell of Keene, and Comi of Concord spoke against the motion.

Mr. Upton of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to indefinitely postpone.

On a *viva voce* vote the affirmative appeared to prevail.

Mr. Myhaver of Peterborough asked for a division.

A division being had, 139 members voted in the affirmative, and 115 members voted in the negative, and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having either voted in the affirmative or negative, no valid action was taken, and the

joint resolution with the motion pending went into unfinished business.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 319, An act relating to the development of aeronautics, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass:

Amend said bill by adding at the end of paragraph XXVI, section 3, the words "as a private landing area" so that said paragraph shall read as follows: XXVI. "Public Landing Area" means a landing area owned, occupied, or leased by the federal government, the state, counties, or towns. In the case of landing areas on the inland waters, ownership, use, or lease of the ramp or other beaching and terminal facilities will be considered as ownership, occupation, or lease of the landing as a private area.

Amend section 4 by striking out the whole and inserting in place thereof the following new section:

4. *Commission Created.* The governor, with the advice and consent of the council, shall appoint a commission of five members to be known as the New Hampshire Aeronautics Commission, not more than three of whom shall be members of the same political party. He shall designate one member as chairman. Three members shall be responsible citizens of the state not directly connected with aviation and two members shall be responsible citizens of the state directly connected with aviation either as private or commercial pilots, airport managers or members of municipal airport commissions.

Amend section 6 by striking out the whole and inserting in place thereof the following new section: 6. *Term.* The first commissioner shall be appointed initially for five years, the second for four years, the



third for three years, the fourth for two years, the fifth for one year, and thereafter as their terms expire each shall be appointed for five years. Each shall hold office until his successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term.

Amend section 8 by striking out the words "airport services" in the sixth line and inserting in place thereof the words, services on airports maintained by the state, so that the same shall read as follows: 8. *Powers and Duties.* The commission is hereby authorized in the name of the state to engage in any aeronautical activity essential to the progress of aeronautics including the purchase and sale of equipment and supplies necessary for or incidental to any of its functions, or for the purpose of furnishing services and accommodations in connection with the maintenance of airports or airport services, the operation of aeronautical schools and the rendering of services on airports maintained by the state in connection with the state airways system, may charge reasonable fees therefor, and may do so jointly with the United States, other states, and with political subdivisions or other agencies of the state. The commission is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such rules, regulations, and procedure, pursuant to and not inconsistent with the provisions of this act and the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder, as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this act. In administering this act the commission, or the director, when authorized by the commission, shall have the power to conduct hearings, subpoena and examine under oath airmen, aircraft and landing area owners and opera-

tors, their books, records, documents, correspondence and accounts and any other person it deems necessary to carry out the purpose and intent of this act. The chairman of the commission is authorized to approve all vouchers for the payment of bills from funds available hereunder. The commission shall for such time and over such areas, as may be directed by the governor and council, suspend the right of all airmen, subject to the jurisdiction of said commission, to operate.

Amend section 9 by striking out the whole and inserting in place thereof the following new section: 9. *Director*. A director of aeronautics shall be appointed by the commission, who shall serve for an indefinite term, at the pleasure of the commission. Said director shall be appointed with due regard to his fitness, by aeronautical education, by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties vested in and imposed upon him by this act.

Amend section 10 by inserting after the word, "determine" in the second line the words, subject to the approval of the governor and council, so that the same shall read as follows: 10. *Compensation*. The director shall receive such compensation as the commission may determine, subject to the approval of the governor and council, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

Amend section 11 by inserting at the end thereof the following: Such land, easements, and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law by which the governor and council are authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the governor and council may

determine, so that said section as amended shall read as follows: 11. *Powers and Duties of Director.* The director shall be the executive officer of the commission, and under the supervision of the commission, shall administer the provisions of this act and all the laws of the state relative to aeronautics. The director, with the approval of the commission, and within the limits of the appropriation, may hire field and office assistants necessary for the proper execution of his duties. The director shall exercise general supervision, control, and direction on behalf of the state, over all matters pertaining to the location, construction, and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state acquire land, easements, and rights of way for the establishment of air navigation facilities. Such land, easements, and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law by which the governor and council are authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the governor and council may determine.

Amend the title of section 12 by striking out the words "Establishment Authorized" and inserting in place thereof the words, State Airways System.

Amend the title of section 17 by striking out the words "Certificates Required." and inserting in place thereof the words, State Registration Certificates.

Amend Paragraph I, section 25 by adding at the end thereof the words, or with scheduled air carriers engaged in interstate commerce, so that the same shall read as follows: I. The registration of airmen act-



ing as such in the authorized performance of their duties with any branch of the military forces of the United States or with scheduled air carriers engaged in interstate commerce.

Amend section 26 by adding at the end thereof the following new paragraph: VII. For any person to operate or authorize the operation of aircraft for compensation or hire from any of the public inland waters or ice areas of the state unless each such area is registered with the commission. Applications for such registration shall contain such details with respect to the areas from which flights are to be made as the commission may from time to time require.

Amend Paragraph I, section 27 by striking out the word "failing" in the third line and inserting in place thereof the word, fails. Further amend by striking out the words "one year" in the fifth line and inserting in place thereof the words, six months, so that the same shall read as follows: I. Any person who violates any provisions of this act pertaining to registration or the air traffic rules, or who violates any provisions of an order, rule or regulation made hereunder, or fails to answer a subpoena or to testify before the commission, shall be fined not exceeding five hundred dollars or imprisoned for not more than six months, or both.

Amend section 30 by adding thereto a new paragraph to be numbered 5 and shall read as follows: V. A fee for the registration of an aircraft owned by a non-resident engaged in air commerce within the state, when waiver of such fee is requested in writing by a commercial aircraft operator operating in the state. Such request shall state specific dates, location and jurisdiction for the waiver, and the duration of the period for which such waiver is granted shall not exceed two days.

Amend section 32 by adding after the word "the" in the sixth line the words, office of the. Further amend by striking out the word "under" in the sixth line and inserting in place thereof the words, created by, so that the same shall read as follows: 32. *Aeronautical Fund*. There is hereby established in the state treasury a fund to be known as the aeronautical fund. All fees and fines or other incomes received by the commission under the provisions hereof; any unexpended balance or appropriation made available for the public service commission in the exercise of its duties under chapter 182 of the Laws of 1929; any unexpended balance of appropriation made available to the office of the director of aeronautics created by chapter 224 of the Laws of 1939; and moneys herein or hereafter appropriated to carry out the provisions hereof shall be kept by the state treasurer in said aeronautical fund to be paid out by him upon warrants drawn by the governor with the advice and consent of the council for the purpose of this act.

Amend section 40 by striking out the words "upon its passage" and inserting in place thereof the words, fifteen days after date of passage, so that the same shall read as follows: 40. *Takes Effect*. This act shall take effect fifteen days after date of passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with rule 48.

Mr. Smart of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 421, An act relative to the retirement system for firemen, reported the same with the amendment, as printed in the Journal of May 27, and the recommendation that the bill as amended ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hale of Rindge, for the Committee on Appropriations, to whom was referred House Bill No. 194, An act creating a retirement system for policemen, reported the same in second new draft, with the recommendation that the bill in its second new draft ought to pass.

The report was accepted and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 71, An act abolishing causes of action for breach of contract to marry.

House Bill No. 147, An act relative to destruction of certain records in the department of the State Board of Health.

House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc.

House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 10,000 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and cooperate in the undertaking of slum-clearance and housing projects for families of low income.

House Bill No. 262, An act relating to the practice of dentistry.

House Bill No. 348, An act relating to housing.

House Bill No. 370, An act relative to payment of fines in motor vehicle violations and certain other violations of law.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills:



Senate Bill No. 33, An act relating to service exemptions.

Senate Bill No. 36, An act relating to town offices.

Senate Bill No. 49, An act providing for airport zoning.

The message also announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver, and the President has appointed as members of the committee on the part of the Senate Senators Bragg and Moran.

#### Concurrent Resolution

Mr. Callahan of Keene offered the following concurrent resolution:

*Whereas*, the President of the United States has broadcast in his "fireside chat" of May 27, 1941 that a state of "unlimited national emergency" exists, therefore be it

*Resolved*, by the Senate and House of Representatives in General Court convened that we are wholeheartedly with him in his endeavors to do what is best to protect our Democracy, and be it further

*Resolved*, That the Clerk of the House be instructed to transmit a copy of these Resolutions to President Roosevelt and each Senator and Member of Congress from New Hampshire.

The resolution was referred to the Committee on National Affairs.

Mr. Wyman of Candia offered the following report:

**REPORT OF THE SPECIAL COMMITTEE TO  
SENATE AND HOUSE OF REPRESENTATIVES  
IN GENERAL COURT CONVENED  
1941 SESSION**

TO HONORABLE WILLIAM COLE, *President of the Senate*

*and*

HONORABLE CHARLES H. BARNARD,

*Speaker of the House*

**The Committee**

On Wednesday, March 5, 1941, the House adopted the following resolution:

*"Resolved,* That the Speaker appoint a committee consisting of five members, whose duties shall be to meet and cooperate with the Commission and Director of Public Welfare in an endeavor to clarify and digest the practices and procedures of the Board of Public Welfare in connection with the administration of old age assistance; and to offer recommendations and submit such proposed legislation as it deems necessary and advisable." See Journal of the House for March 5, 1941.

On the same date the following resolution was adopted by the Senate:

*"Resolved,* That the President of the Senate appoint a committee consisting of two members, whose duties shall be to meet and cooperate with a like committee appointed by the Speaker of the House of Representatives and the Commissioners and Director of Public Welfare in an endeavor to clarify and digest the practices and procedures of the Board of Public Welfare in connection with the administration of old age assistance; and to offer recommendations and sub-

mit such proposed legislation as it deems necessary and advisable." See Senate Journal for March 5, 1941.

The President of the Senate appointed as members of such committee on the part of the Senate, Senators Bragg and Moran. See Senate Journal for March 12, 1941.

The Speaker of the House appointed as members of such committee, Messrs. Wyman of Candia, Matson of Concord, Lievens of Hollis, Blandin of Bath and Hutchins of Stratford. See Journal of the House for March 19, 1941.

The joint committee thereafter commenced upon its duties. At the outset it should be borne in mind that the members of your committee had many other legislative, public and private duties to perform in addition to this assignment; that no appropriation was made for the use of the committee; and such private investigations as were carried out were at the personal expense of the individual members of the committee.

### **In General**

The State Department of Public Welfare is charged by law among other things with the duty of administering old age assistance. The department consists of a Board of Public Welfare, a Commissioner of Public Welfare and other officials and employees. The commissioner is the executive and administrative officer of the department and is responsible for its management. He also serves as clerk of the board. The commissioner appoints such personnel as may be necessary for the efficient performance of all duties prescribed by law, and the commissioner himself is appointed by the board with the advice and consent of the Governor and Council.

The board is subjected to both State and Federal statutes.



To qualify New Hampshire for necessary federal funds the board adopted a plan for supervision, operation, and distribution in strict conformity with the Federal law and has continued to operate thereunder. To this end a comprehensive plan and proposed program is periodically submitted to the Social Security Board at Washington. Since approval of the original plan some time past, our board has enjoyed continued Federal approval of the plans of operations submitted. This has and does insure New Hampshire of a continued flow of Federal money for the benefit of our aged citizens. To state this another way, so long as the state continues to operate under Federal approval the Federal Government will reimburse the state for 50 per cent of the old age assistance paid out, but not to exceed 50 per cent of \$40.00 per month per individual.

The law and the plan required thereunder, are both lengthy and complicated. Time does not permit a full report of the details.

The following funds were expended for old age assistance for the fiscal year ending June 30, 1939:

Total	Federal	State	Local (towns, cities and/or counties)
\$1,140,413.88	\$550,294.06	\$305,016.36	\$285,103.46

#### Fiscal Year Ending June 30, 1940

\$1,321,023.76	\$631,794.38	\$359,114.75	\$330,114.63
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#### For the Period July 1, 1940 - March 31, 1941

\$1,264,975.87	\$605,470.81	\$379,999.40	\$279,505.66
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#### Costs of Administering Old Age Assistance

For fiscal year ending June 30, 1939....	\$83,677.91
For fiscal year ending June 30, 1940....	95,513.52
From July 1, 1940 - December 31, 1940..	49,863.64

The approximate amount for administration for the whole year ending June 30, 1941 will be about \$100,000.00.

The maximum grant allowed by law for assistance (excluding hospital and medical assistance), the minimum grant made and the average grant follows:

**Fiscal Year Ending June 30, 1939**

Maximum grant .....	\$30.00
Minimum grant .....	3.00
Average grant .....	22.87

**Fiscal Year Ending June 30, 1940**

Maximum grant .....	\$40.00
Minimum grant .....	3.00
Average grant .....	21.52

**Current Fiscal Year Through March 31, 1941**

Maximum grant .....	\$40.00
Minimum grant .....	3.00
Average grant .....	21.25

It is the opinion of the committee that the expense of administration cannot be reduced. It must be borne in mind that every dollar expended for old age assistance is raised by taxes. The Federal Government contributes to old age assistance in this state for the benefit of each recipient of old age assistance, a sum not in excess of 50 per cent of a \$40.00 monthly grant; the county, city or town as the case may be is charged 25 per cent of all grants for old age assistance and the state makes up the balance. It is interesting to note that there is no statutory limit placed upon the amount of the state's contribution. Thus if a person is granted for old age assistance and medical or hospital care the sum of \$60.00 monthly for ex-

ample, the Federal Government's share would be \$20.00, the share of the county, city or town \$15.00 and the state's share \$25.00.

The Public Welfare Department prior to its assumption of old age assistance administration, July 1, 1938 held a school of instruction for personnel at the University of New Hampshire. Rules and regulations were formulated and these have been added to from time to time as necessity has required. The latest printed volume of such, dated July 1940, comprises over 700 pages and a resume of this report is impossible at this time. Copies are in the Concord office and the district offices, and are open to public inspection.

There are 7 district offices functioning at the present time. All applications for old age assistance and investigation thereof are handled in their respective districts. A list follows herewith:

Coos County	Berlin
Grafton County	Woodsville
Merrimack County	Concord
Hillsboro County	Manchester
Rockingham and Strafford Counties	Portsmouth
Belknap and Carroll Counties	Laconia
Cheshire County	Keene

There is a sub office of Keene located at Claremont which covers Sullivan County cases. One field worker out of Concord assists 3 district offices and one assists 4 district offices.

The following table presents by counties the number of persons receiving old age assistance beginning July 1, 1938 when the entire administration was taken over by the State Department:



	Total	Beknap	Carroll	Cheshire	Coos	Grafton	Hillsboro	Merrimack	Rockingham	Strafford	Sullivan
1938											
July	3,731	353	128	216	158	218	1,256	415	537	300	150
August	3,763	350	124	216	161	221	1,269	418	548	307	149
September	3,820	348	123	215	162	226	1,294	419	562	322	149
October	3,856	350	124	218	168	228	1,302	423	566	331	146
November	3,932	354	121	231	173	235	1,312	443	576	333	154
December	4,002	352	123	244	176	233	1,333	459	581	340	161
1939											
January	4,063	356	135	250	173	235	1,340	462	601	345	166
February	4,149	355	142	259	175	249	1,364	462	620	356	167
March	4,205	356	145	270	177	255	1,372	471	632	358	169
April	4,241	360	146	271	186	261	1,376	472	637	357	175
May	4,305	366	144	279	192	274	1,397	470	645	362	179
June	4,340.	368	145	285	191	271	1,406	484	647	366	177
July	4,417	368	152	289	196	294	1,414	496	653	372	183
August	4,493	365	154	297	199	305	1,445	502	656	382	188
September	4,569	374	158	296	201	314	1,468	507	661	393	197
October	4,573	380	155	295	204	312	1,467	507	661	391	201
November	4,538	378	151	289	202	319	1,451	491	659	391	207
December	4,612	387	157	291	211	339	1,467	496	664	388	212
1940											
January	4,813	393	163	311	215	362	1,537	504	698	414	216
February	5,060	401	164	323	216	377	1,636	529	736	441	237
March	5,268	415	163	335	214	388	1,707	559	760	468	259
April	5,403	419	170	344	216	401	1,770	565	773	479	266
May	5,587	433	179	361	215	412	1,841	578	794	495	275
June	5,737	444	179	365	225	422	1,894	601	812	510	285
July	5,870	449	185	368	233	432	1,946	609	832	520	296
August	5,993	452	193	370	240	440	1,980	637	842	538	301
September	6,091	463	195	378	252	445	2,007	646	850	545	310
October	6,215	473	197	393	264	463	2,030	653	871	558	313
November	6,375	486	208	399	275	495	2,070	661	892	566	323
December	6,603	495	225	409	302	545	2,093	684	933	584	333
1941											
January	6,672	498	228	413	302	566	2,120	691	939	580	335
February	6,726	502	238	413	310	585	2,121	684	949	587	337
March	6,794	499	238	420	315	605	2,141	692	957	589	338

There were pending 448 applications as of April 1, 1941.

The jump in the number of cases since January 1, 1940 is due in great part to the drop in the age limit for eligibility for such assistance from 70 years to 65. Due to lack of necessary funds, all old age recipients were reduced on the average of \$2.00 monthly per person as of November 1, 1939.

In estimating expenditures to be met for the fiscal years ending June 30, 1940 and June 30, 1941 the board was faced with the very difficult problem of trying to determine the extent of the demands to be made upon it because of the change in the age requirement, which was to become effective January 1, 1940, and there was no accurate way of finding out. Our legislators went home in June. At that time appropriations were made on the basis of a Federal responsibility in the amount of \$15.00 in a maximum grant of \$30.00 in an individual case. Two months later the Federal law was changed to permit the Federal Government to contribute a sum not exceeding \$20.00 in a maximum grant of \$40.00 in an individual case. This also contributed to throw the department funds out of balance because when the appropriations were made the maximum grant to which the Federal Government would contribute 50% was \$30.00. It was suggested that a special session of the legislature be convened. This was not done and consequently the board was forced by lack of funds to cut down existing grants of assistance. Restoration of this \$2.00 average cut has been made in some cases and it is planned to restore the balance of the cuts after July 1, 1941, if sufficient funds are provided by the legislature as is contemplated by the department.

The present budget, as amended by the House, provides a substantial increase in the appropriations for the years 1941-1943 for the purposes of old age assist-

ance and the committee strongly recommends that no reduction be made in this portion of the budget.

### Qualifications for Old Age Assistance

The purpose of old age assistance is to prevent hardship and suffering among the people of our state who have reached the age of 65. Old age assistance is administered in New Hampshire on a subsistence basis. It is not a pension. Should such a person be in actual need of the necessities of life, it is the purpose of the board upon application received from the person to give the matter attention without unreasonable delay so that a subsistence compatible with decency and health may be granted if the person is otherwise legally eligible.

The law requires that certain conditions must exist.

1. *Residence.* Applicant must be a resident of New Hampshire. Such a regulation is necessary in order to prevent the support of those who should be supported by other states and a consequent deterioration of the fund against the interests of needy residents.

2. *Real Estate.* Old age assistance will not be granted to an individual holding a net equity of over \$1,000.00 in real property or to a couple holding a net equity of over \$2,000.00 in real property. It is the opinion of the committee that this regulation is liberal. It permits home ownership and gives the applicants a substantially fair equity balance over mortgages so that the conscientious applicants who tried to avoid applications for old age assistance as long as they have any property of their own do not have to mortgage their homes to the full extent of their credit value and thereby chance losing them by foreclosure.

3. *Personal Property.* Old age assistance will not be granted to a single individual holding a maximum



equity of over \$300.00 in liquid assets, or to a couple holding a maximum equity of over \$500.00. This requirement is essentially fair inasmuch as it is only right that the individual applicants should substantially have exhausted their own resources before asking for financial assistance from the state.

4. *Life Insurance.* Where a person has life insurance, if the cash value is over \$300.00 an assignment to the department is required as security for grants of old age assistance, but particularly to safeguard enough of the recipient's own estate to provide a decent burial. If under \$300.00 an assignment is not required, if a third person has paid the premiums thereon and agrees to apply so much of the \$300.00 as may be necessary to cover burial expenses, so that there will be no claim rising out of burial charges made to the department.

When a recipient dies without means or estate, or heirs legally chargeable, the Board allows \$75.00 toward funeral costs and may also grant an additional allowance for transportation of the body and opening the grave, but not in excess of \$100.00 for all. Some complaints have been received relative to the department rules and regulations concerning contributions by friends or relatives toward funeral costs. In those cases the department has adopted a policy which has prevented their participation in these costs if any such contributions are made. The committee recommends that this policy be changed by the board.

5. *Liens.* The department periodically files with the registers of deeds in the various counties liens to be recorded against the real estate of recipients of old age assistance. This is done as a principle of good business to put the state in a preferred position to seek reimbursement from the estate of a deceased

recipient to the extent of the old age assistance grant so far as is possible. While in many instances this procedure may turn out to be an idle gesture from a practical point of view, its underlying principle is sound.

### **Procedure in Administering Old Age Assistance**

A person who is 65 years of age or over, a citizen of the United States, a legal resident of New Hampshire, and in need of assistance is eligible to make application for old age assistance and such application is made to one of the seven district offices of the Department of Public Welfare. At the time of filing application the individual is required to not only completely fill out the application form which requests identifying data concerning the individual, members of his household, relatives, and real and personal property holdings but regardless of his assets he is required by state law to sign a properly acknowledged agreement promising to reimburse the federal government, the state and the county or town for all assistance granted; in addition he must sign a statement authorizing the department to secure information as to his financial status.

Upon its receipt the application is assigned to a visitor who has the responsibility of investigating the application to determine whether or not the individual is eligible for old age assistance and, if so, the amount of assistance to be granted. Federal audit regulations require that satisfactory documentary proof of age, citizenship, and residence be furnished for each eligible applicant. In many instances the furnishing of such proofs is a difficult matter entailing much correspondence and causing considerable delay in final action. In those cases in which there is unavoidable delay and the applicant is desperately in need he is advised that he may apply to the overseer of the poor for direct relief pending final action on his old age assistance

application. The department procedure in the administration of an assistance application requires that there be verification of all information relative to real and personal property holdings; visits to or correspondence with all relatives to ascertain their ability and willingness to contribute to the support of the applicant; and a home visit to observe the living arrangements of the applicant and to discuss with him his current needs. Through cooperative arrangements with the New Hampshire Bankers' Association savings bank deposits are verified through a monthly clearance with all active accounts in New Hampshire banks. Real and personal property holdings are verified through the offices of the Registers of Deeds and City and Town Clerks. At the time of the home visit to the applicant regulatory policies of the department are explained. If an individual receiving assistance has equity in real property then, periodically, the department files liens with the proper Registry of Deeds against the property in an amount equal to the total assistance granted. Contrary to popular belief the department does not require a deed to property held by a recipient. No attempt is made by the department to disturb an individual in his home during his lifetime and an allowance is made in his assistance grant sufficient to pay taxes, insurance, water rates, and other property costs, provided the total amount required monthly for this purpose does not exceed a reasonable rental for the community in which the individual lives. Following the recipient's death the department presents a claim to the administrator of his estate seeking reimbursement in an amount equal to the total of the assistance granted.

During the home visit it is explained that in the matter of bank savings the department requires that the individual sign an agreement that he will not withdraw any of his savings without the consent of the



department and a copy of this agreement is filed with the bank in which the deposit is held. In the matter of life insurance it is explained that the department requires an assignment of all policies with a face value of \$300 or over, except in those instances in which it can be proved that a relative has paid all or a substantial portion of the premiums, in which case the department executes with the relative a beneficiary's agreement by which the relative agrees to pay the total cost of last illness and burial from the proceeds of the insurance. In the matter of stocks and bonds it is explained that the department requires their transfer to the department. The purpose of these required assignments and transfers is to insure that following the deaths of the individuals the assets which they represent will be used to defray last illness and burial expenses. Only in rare instances is there sufficient to reimburse the government in whole or in part for assistance granted.

In determining the amount of the assistance which an applicant requires the department follows what is known as the budgetary deficiency method. This means that a detailed statement of the individual's needs is obtained together with a statement of the assets and resources available to meet these needs. The difference, if any, between need, and income and resources is the amount of public assistance required. In working out this problem with the individual the department's visitor knows that under present regulations the total amount of monthly assistance which an eligible individual can receive is \$30.00, except for temporary medical, surgical, and hospital care. Thirty dollars is the maximum established as it is the amount on which the department's appropriation for assistance was granted by the 1939 Legislature which was guided in its action by the fact that at that time the maximum amount in which the Federal Government could share

was \$30.00. Subsequent to the adjournment of the 1939 Legislature the Federal Social Security Act was amended to allow Federal sharing in a maximum assistance payment of \$40.00 per month. In those instances in which recipient's monthly requirements are greater than \$30.00 on account of medical, hospital, or nursing care, the department obtains maximum Federal sharing by increasing the payment to the individual to \$40.00, for that particular month.

The present amount available for meeting the needs of recipients means that out of a maximum of \$30.00 per month must come allowances for sufficient food, shelter, fuel and clothing. Medical care expenditures are met as the need arises and do not affect the regular assistance grant. Food budget guides used by the department are compiled by a nutrition expert in the State Extension Service at the University of New Hampshire and are based on average statewide prices and vary in amount in accordance with the living circumstances of the applicant, who may be living alone, with a spouse, with relatives, with friends or boarded and cared for in a private home or established convalescent home. Likewise, the visitor uses a fuel budget guide compiled on the basis of average statewide costs. The amount of the shelter expenditures varies as between communities and the amount of the current clothing allowance is \$1.25 per month with extra allowances being made as required. In the case of the applicant who is living alone and without income and resources the determination of the amount of the assistance is a simple matter. It becomes involved when the individual is living with a spouse who is ineligible for assistance or living with relatives or friends. In such instances it is necessary to consider the applicant's just proportionate share in the total household expenses. In arriving at this amount the department requests that the family give its own

estimate as to its monthly spendings for the maintenance of the household including the individual member's expenditures for personal care, recreation, education, transportation, etc. The amounts as recorded are judged as to their normalcy by a comparison with what is known as a "standard" budget. That is a budget showing itemized expenditures for a family with an income of \$1100 per year. Following the comparison the next step is to record the assistance applicant's share in the actual living expenses of the household (food, shelter, fuel, light) with an additional amount recorded for clothing. Against the total of these amounts required for the applicant's support is recorded the amount of income which is available to meet his needs. The difference, if any, is the amount of old age assistance required.

The department interprets the old age assistance law as intending that insofar as possible the needy aged are to be cared for in their own homes and not in public institutions. The diseases and illnesses to which the aged are subject are many times of such character that they require continuous and long-time medical and nursing care. Such care is expensive and far exceeds the regular maximum assistance allowance of \$30.00. To the end that the aged, regardless of their physical or mental condition may be cared for in their own homes or suitable private nursing homes, department policy allows for a regular monthly expenditure of as much as \$65.00 per month to provide the required services.

Old age assistance payments are made in the form of checks drawn by the State Treasurer to the order of the individual or his legally appointed guardian or conservator and are mailed from Concord not later than the last legal business day of each month for the month. The department places no restriction on the spending of the assistance payment received. Adjust-



ments are made in the amount of assistance granted as required from time to time on account of a change in living circumstances, necessary medical, hospital or nursing care, and to allow for clothing purchases.

At the time of the recipient's death a burial expenditure of \$75.00 is authorized with additional allowances for purchase of a lot, opening of the grave, and transportation, provided the total expenditure does not exceed \$100.00, and provided further that the estate of the deceased is insufficient to pay such expenses and there are no relatives able to do so. In those instances in which the deceased recipient leaves assets in the form of real or personal property, then a reasonable amount for last illness and burial expenses is allowed provided the amount so expended is not in excess of \$300.00. The choice of a funeral director is made by the relatives or close friends of the deceased and the department exercises no control over the making of these arrangements.

In the matter of estates against which the department has a claim on account of assistance granted, it is the policy of the department not to take administration against estates but to await the appointment of an administrator to whom the department will then present its claim. If at the time of settlement of an estate the heirs are found to be recipients of public aid, or borderline relief cases, it is the policy of the department not to enforce its liens but to discharge them as satisfied.

When partial or total reimbursement is received the money is deposited with the State Treasurer who sends checks in the proper amounts to the Treasury of the United States and the treasurer of the town or county in accordance with the proportionate part of total assistance contributed by each.

Because Federal regulations require that the assist-

ance payment be made to the individual or his legally appointed guardian or conservator, it is necessary that each payment be endorsed by the individual or his guardian or conservator. Such a mandatory system of payments together with department procedure for paying at the end of each month for the month makes it impossible for any assistance payment to be received in those instances in which the recipient's condition is such that at the time of receiving the payment he is unable to endorse the check.

### Conclusions

The committee has given considerable attention to the general question of old age assistance in New Hampshire and to the subject matter of the various complaints which have been received, of which there were comparatively few. Most of the complaints and many of the difficulties at the present time can be answered very simply by "lack of funds." If the department had an unlimited amount of money upon which to draw for the purposes of old age assistance in New Hampshire there would be few complaints and little difficulty in administration. The department itself can only expend for the purposes of old age assistance that amount of money appropriated by the legislature for their use. From that appropriation they must take care of the needs of large and increasing numbers of applicants and recipients. In order to conserve the appropriation for each year and prevent its exhaustion before the end of the year is reached, the department has adopted many necessary rules and regulations.

At this point it might be well to point out again that old age assistance is not a pension. It is purely and simply relief to a certain group of individuals, namely, those who have reached the age of 65 years, are in

need, and are eligible under all other department rules and regulations. The committee suggests that this point should be publicized in order that there may be a better understanding between public, recipients and the department. Many of the complaints concerning old age assistance and its administration completely overlook this fact. No individual has a right to old age assistance merely because he or she has reached the age of 65 years. They will be given relief under the title of old age assistance if they are in need, as in the case of direct relief. The main purpose for its administration in a different manner than direct relief is that it may be assumed a person reaching the age of 65 years who is then in need of relief will continue to need relief, whereas a younger person might more easily better his or her circumstances so as to no longer require it.

Some criticism has been made of the department holding schools of instruction for their personnel and personnel meetings at various points in the state. It has been suggested that such meetings are a waste of time and expense and that the moneys so expended could better be expended directly for the relief of recipients. In this connection the committee is of the opinion that the criticism is not well founded. The administration and distribution of old age assistance requires a trained personnel with a thorough knowledge of the rules and regulations of the department, and such schools permit all workers to receive the same instructions and get the same interpretation of them, thereby making more uniform the administration throughout the state. Such money as is expended for this purpose reacts directly to the benefit of the recipients themselves through the elimination of applicants who are not entitled to its benefits and in the more pro-



ficient handling of all cases. No change in the present procedure of the department in this connection is suggested.

The suggestion that minimum award of \$30.00 be made to all recipients of old age assistance was thoroughly studied by the committee. Under Federal law payments must be made on a need basis in order for the state to receive the benefit of Federal participation. In many instances, because of other resources or individual circumstances, individual recipients do not need as much as \$30.00 a month. Such a rule, regulation or statute would be in violation of the Federal law and prevent our receipt of Federal funds to assist us in this work. Also, a \$30.00 minimum would result in an additional expenditure of approximately \$735,000 a year.

Some criticism of the department has been made relative to the availability of their rules and regulations to the general public. As has been previously mentioned, these rules and regulations at the present time amount to over 700 pages, most of which, however, take the form of instructions to workers. The board, not the commissioner, has the power to make their own rules and regulations governing the administration of old age assistance within the limits of the act. This power gives the rules and regulations great flexibility and permits the department to change them as the needs arise in order to prevent hardship in particular cases. Many changes are made from time to time but for the most part these changes only concern instructions to workers. The Concord office, the district offices, and all workers have copies which are kept up-to-date by the department as changes are made. The committee suggests that the general rules and regulations of the department relative to old age assistance, excluding those rules and regulations

which are in fact only instructions to workers, be printed in mimeographed form and made available in that form to all persons requesting the same. The committee feels that a nominal charge to defray the cost of printing should be made for each such set, to be determined by the board, but that copies should be sent without charge to overseers of the poor in all cities and towns of the state.

At the present time payments of old age assistance are made on a monthly basis. The committee is of the opinion that payments made on a bi-monthly basis would better serve the interests of the recipients. Such a change might permit an aged person to plan the spending of his grant in a more beneficial manner and assist him in arranging and keeping his budget. There would be an additional administration expense to accomplish this bi-monthly payment amounting to over \$5,000 for the first year and about \$4,000 for subsequent years. It is our belief that the department has the legal right to make this change and we recommend that they do so.

We find no evidence of any abuse of power or discretion nor of any unfair discrimination by the board or commissioner. In fact they have done excellent and conscientious work in the face of many obstacles and the state may well be proud of their administration. However, it clearly appears to the committee that a greater degree of tact might have been exercised by visitors in certain cases and although the committee was not in a position to thoroughly investigate this complaint, it does make the suggestion that the board carefully investigate all such complaints, take steps to improve that part of the service where they find those complaints to be well founded, and take proper action thereon.

Other than the suggestions noted herein no further legislation is proposed by the committee.

BENJ. H. BRAGG,  
J. VINCENT MORAN,  
*Senate Committee Members.*

ELIOT U. WYMAN,  
DONALD G. MATSON,  
AMOS W. BLANDIN,  
EDWARD LIEVENS,  
RALPH M. HUTCHINS,  
*House Committee Members.*

### Communication

The following letter was read:

*To the Honorable House of Representatives:*

In accordance with a resolution of the 1939 House of Representatives directing this Commission to make a study of the expediency, feasibility, and practicability of a state pier at Portsmouth and the expense of constructing the same, we respectfully submit the following report.

Based upon a year of study by the staff and an advisory committee, the report presents the broad aspects of the problem of the development of a state pier at Portsmouth. The findings and recommendations of the advisory committee are outlined on pages 1 to 7 of this report.

The Commission wishes to acknowledge the valuable assistance and splendid cooperation of the advisory committee members, who gave freely of their time and services.

Respectfully submitted,

FRED ENGELHARDT,  
*State Planning and Development Commission.*



On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended, and the third reading of bill by their titles, made in order.

House Bill No. 194, (in second new draft), An act creating a retirement system for policemen.

House Bill No. 421, An act relative to the retirement system for firemen.

House Bill No. 431, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1942.

House Bill No. 430, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1943.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Dugas of Berlin at 12:12 o'clock the House adjourned.

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### THURSDAY, MAY 29, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Leaves of Absence

Mrs. Dondero, and Messrs. Redden of Portsmouth, Fecteau of Epping, Leighton of Dover, Potvin, Boardman, Conrad and Hale of Rochester, Coffin and Habel of Somersworth, Brown of Gilmanton, Veroneau and Clinton of Concord, Douphinett, Whittier, Lemire and Reil of Franklin, Kenney of Loudon, Boynton of Hills-

boro, Roy, Lesmerises, Frain, O'Neil, Fox and Booth of Manchester, Fuller of Colebrook, Emerson of Dalton, Woodbury of Nashua, Mrs. Decker of Claremont, Messrs. Dupont of Pembroke, Cram of Unity, Pulsifer of Campton, and Hinchey and Hayes of Berlin were granted leaves of absence for the day on account of important business.

### Committee Reports

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 71, An act relating to the reporting of the expenses of the justices of the superior court, reported the same with the recommendation that the bill as amended ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred Senate Bill No. 64, An act defining a prescription, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 401, An act authorizing the state of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance, reported the same with the following amend-

ment and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out all after the word "funds" in the sixth line so that said section shall read as follows: 1. *Highway Maintenance*. That the Warren-Woodstock road, from its junction with the road leading to the C. C. C. Camp at East Warren to its junction with the Lost River road in North Woodstock; a distance of approximately ten and one-half miles, shall hereafter be maintained by the State of New Hampshire under the direction of the State Highway Commissioner and the expense shall be a charge upon the highway funds.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 319, An act relating to the development of aeronautics, reported the same with the amendment, as printed in the Journal of May 28, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted and the bill referred to the Committee on Appropriations under the rules.

Mr. Betley of Manchester, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 59, An act relating to exemptions from taxation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend by inserting a new section as follows: 1. *Institutional Exemptions*. Amend section 22 of chapter 60 of the Public Laws by striking out the words, "or the American Legion," in the eighth line and inserting in place thereof the following, American



Legion, or the American National Red Cross, so that said section as amended shall read as follows: 22. *Institutional Exemptions.* The personal property of institutions devoted to educational purposes, charitable and religious societies, and of temperance societies, incorporated or organized within this state, and the real estate owned and occupied by them, their officers, or their students for the purposes for which they are established, parsonages occupied by pastors of churches, and personal property owned and real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, American Legion, or the American National Red Cross, shall be exempt from taxation, provided none of the income or profits of the business of such corporations or institutions is divided among the stockholders or members, or is used or appropriated for other than educational, charitable or religious purposes.

Further amend by renumbering section 1 of said bill to read section 2, and by renumbering section 2 to read section 3.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Osborne of Concord further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred Senate Bill No. 57, An act relating to salaries for councilmen in the city of Portsmouth, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following: 2. *Referendum.* At the regular city election held in said city in

December, 1942, the selectmen of the several wards shall insert in the warrant an article as follows: "Shall the provisions of an act entitled 'An act relating to salaries for councilmen in the city of Portsmouth' enacted at the 1941 session of the Legislature be adopted?" The ballots for said election shall bear a similar question with space left to permit the voter to vote "Yes" or "No" on the question. On the second day after the election the mayor and council shall meet to canvass the result of the vote on said question. If it shall appear that a majority of the voters voting thereon have voted in the affirmative the mayor shall declare the said act to have been adopted and it shall take effect on January 1, 1943.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 23, An act relating to the biennial referendum, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Referendum.* Amend chapter 3 of the Laws of the special session of 1934, by adding after section 35-d, as inserted by chapter 35, Laws of 1935, (chapter 167, commissioners' report), the following new section: 35-e. *Questions On Ballot.* In addition to the questions to be submitted to the voters, as provided under section 35, the following question shall be submitted to the voters in cities and towns on the usual ballot, in a position immediately below questions (a) and (b), at the biennial election of 1942: (c) "Shall the above questions (a) and (b) in the future

be left off the ballot in this city or town at the biennial election, with an opportunity to restore the same by a petition of 15 per cent of the voters?" If a majority of the qualified voters present and voting at the biennial election of 1942 in a city or town signifies the disapproval of question (c), section 35 shall continue to apply in such city or town. If a majority of the qualified voters present and voting at the biennial election of 1942 in any city or town signifies the approval of question (c), said questions (a) and (b) shall not thereafter be submitted to the voters in such city or town, except as provided in section 35-f. In cities and towns voting the approval of question (c), the operation of state liquor stores, the issuance of licenses under the provisions of this act and the issuance of permits under the provisions of chapter 99 of the Laws of 1933, and amendments thereto, shall be governed by the approval or disapproval signified on questions (a) and (b) at the biennial election of 1942, unless and until changed pursuant to the provision of section 35-f.

35-f. *Petition.* Upon petition of not less than fifteen per cent of the qualified voters of any city or town which has voted the approval of question (c), as provided under section 35-e, filed with the secretary of state not more than ninety days and not less than sixty days before a biennial election, questions (a) and (b), as provided in section 35, shall be submitted to the voters in such city or town at such biennial election on the usual ballot.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.



**Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 351, An act relating to the nomination of candidates by petition.

House Bill No. 409, An act relating to supervision of navigation.

House Bill No. 410, An act conferring authority upon the Public Service Commission to establish temporary rates.

House Bill No. 423, An act relating to unincorporated societies and lodges.

House Bill No. 432, An act relating to the ministerial library in the town of Peterborough.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942.

House Bill No. 44, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1943.

Mr. Daniels of Ward 1, Manchester, moved that the

House non-concur and asked for a Committee of Conference.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on the part of the House Messrs. Daniels of Ward 1, Manchester, Hunter of Hanover, Boynton of Hillsborough, Osborne of Sunapee and Sawyer of Woodstock.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 53, An act relative to service of process in small claims court.

Amend section 1 by striking out the first three lines thereof and inserting in place thereof the following:

1. *Litigation of Small Claims.* Amend section 6, chapter 179, Laws of 1939 (chapter 368, commissioners' report) by striking out said section and inserting in place thereof the following:

On motion of Mr. Osborne of Concord, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 387, An act relative to the transportation of explosives.

Amend section 2 by striking out the first three lines and inserting in place thereof the following:

2. *Definition.* Amend section 1, chapter 99 of the Public Laws (chapter 114, commissioners' report) by inserting after paragraph XXIX, as inserted by section 1, chapter 111, Laws of 1941, the following new paragraph:

On motion of Mr. Witherill of Cornish the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was sent to the Secretary of State to be engrossed.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11 o'clock.

### Concurrent Resolution

Mr. Lombard of Keene offered the following concurrent resolution:

Concurrent Resolution memorializing the Congress of the United States to enact into law the "National Recovery Act of 1941."

*That Whereas*, a bill (House Resolution No. 1036, 77th Congress, 1st session) to provide for national recovery by raising revenue and retiring citizens past sixty years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes, has been introduced in the Congress of the United States; and

*Whereas*, the enactment into law of the "National Recovery Act of 1941" will provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retire certain citizens from gainful employment, improve and stabilize gainful employment for other citizens, stimulate agricultural and industrial production and general business and alleviate the hazards and insecurity of old age and unemployment; and



*Whereas*, thousands of the citizens of New Hampshire desire the immediate enactment into law of the said "National Recovery Act of 1941"; therefore

*Be it Resolved*, That the Senate and House of Representatives of the State of New Hampshire in General Court convened do hereby urge the Congress of the United States to immediately enact into law the beforementioned "National Recovery Act of 1941"; and be it further

*Resolved*, That a copy of these resolutions be forwarded to the President of the United States and to the presiding officers of the legislative branches of the federal government; and be it further

*Resolved*, That a copy of these resolutions be forwarded to United States Senator H. Styles Bridges, United States Senator Charles W. Tobey, Congressman Arthur B. Jenks and Congressman Foster Stearns, requesting them to do all in their power to secure the passage of the said "National Recovery Act of 1941."

The resolution was referred to the Committee on National Affairs.

Mr. O'Shan of Laconia moved that the rules be suspended, the printing of the concurrent resolution and its reference to a committee be dispensed with, and the concurrent resolution be made in order for a third reading and final passage at the present time.

The question being on the motion of Mr. O'Shan.

(Discussion ensued)

Messrs. O'Shan of Laconia and Seymour of Carroll and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Wiggin of Manchester, Osborne of Concord, Hutchins of Stratford and Duncan of Jaffrey spoke against the motion.

On a *viva voce* vote the motion did not prevail, and the concurrent resolution was referred to the Committee on National Affairs.

On motion of Mr. Tilton of Concord, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

### Committee Report

Mr. Tilton of Concord, for the Committee on National Affairs, to whom was referred the following concurrent resolution, reported the same with the recommendation that the resolution ought to pass.

*Whereas*, the President of the United States has broadcast in his "Fireside Chat" of May 27, 1941, that a state of "unlimited national emergency" exists, therefore be it

*Resolved*, By the Senate and House of Representatives in General Court convened that we are wholeheartedly in sympathy with his endeavors to do what is best to protect our Democracy, and be it further

*Resolved*, That the Clerk of the House be instructed to transmit a copy of these Resolutions to the President of the United States and to each member of Congress from New Hampshire.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Seymour of Carroll spoke in favor of the resolution.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

### Reconsideration

Mr. Lievens of Hollis moved that the House reconsider the vote whereby it voted, inexpedient to legis-

late, on House Bill No. 21, An act relating to discharge of liens.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. Lievens of Hollis spoke in favor of the motion.

Mr. Osborne of Concord spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles made in order.

### Third Readings

Senate Bill No. 64, An act defining a prescription.

Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds.

Senate Bill No. 71, An act relating to the reporting of the expenses of the justices of the superior court.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

Senate Bill No. 57, An act relating to salaries for councilmen in the city of Portsmouth.

Senate Bill No. 59, An act relating to exemptions from taxation.

Severally read a third time and passed and sent to the Senate for concurrence in the amendments.

On motion of Mrs. Bixby of Berlin at 12:03 o'clock the House adjourned.

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SATURDAY, MAY 31, 1941.

The House met at 10 o'clock.

The following letter was read by the Clerk:



TUESDAY, JUNE 3, 1941

1063

Saturday, May 31, 1941.

Mr. John S. Clinton,  
Concord, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present, at 10:01 o'clock the House adjourned.

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TUESDAY, JUNE 3, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### **Leaves of Absence**

Messrs. Smart of Durham, Fernald of Rochester, Boucher of Somersworth, Thibodeau of Wolfeboro, Brunel of Concord, Stuart of Wilmot, Roy of Manchester, Carrier of Nashua, and Myhaver of Peterborough were granted leaves of absence for the day on account of important business.

Messrs. Jewell of Wolfeboro and Morgan of Bow were granted leaves of absence for Tuesday and Wednesday on account of important business.

Messrs. Hobbs of North Hampton, Nickerson of Madison, Bunker of Epsom, and Valia of Grafton were granted leaves of absence for Wednesday on account of important business.

Messrs. Stewart of Manchester, and Davis of

Nashua were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. Barry, Healey, Roukey, Jean and Adams of Manchester, Sayers of Keene, and Haley of Holderness were granted leaves of absence for Thursday on account of important business.

Messrs. Carroll and Delisle of Manchester were granted leaves of absence for the week on account of important business.

Mr. Fuller of Colebrook was granted leave of absence for the week on account of illness.

Mr. Gray of Portsmouth was granted leave of absence until further notice on account of illness.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the first two lines and inserting in place thereof the following:

1. *Bartlett and North Conway Lighting Precinct.* Amend chapter 302 of the Laws of 1931, by inserting after section 6 the following new section: 6-a.

Further amend said section by striking out the last line thereof and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Duncan of Jaffrey the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 422, An act relating to the election of county officers, reported the same under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 2 by striking out the same and inserting in place thereof the following:

2. *Present Officers Not Affected.* The present county officers shall hold their respective offices for the term for which they were elected. The county officers elected at the November election, 1942, shall take office at the expiration of the term of their predecessors and in cases where, by the provisions hereof, that term begins on April first, said county officers shall only hold office from April 1, 1943, to January 1, 1945.

On motion of Mr. Corson of Derry the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 75, An act relative to the service of process against motor vehicle operators, reported the same under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the last sentence thereof and also striking out the same sentence in the amending clause and in both places inserting in place thereof the following sentence:

In the event that the notice and copy of the process are not delivered to the defendant the superior court may order such additional notice, if any, as justice may require.



On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Hartford of Dover, for the Committee on Towns and Counties, to whom was referred House Bill No. 436, An act relating to the payment of county taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred House Bill No. 437, An act designating for improvement a new defense highway, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the word, "shall," in the fifth line and inserting in place thereof the word, may, and by adding at the end of said section the words, or such part thereof as may be best for the public good, so that said section as amended shall read as follows: 1. *Highway Designated.* For the purpose of relieving congestion on the Daniel Webster highway and to provide further highway facilities which may be needed in connection with defense projects by the federal and state governments, the highway commissioner, with the approval of the governor and council, may designate for improvement by suitable description a continuous state highway from the Londonderry Turnpike, in the town of Hooksett, northerly on the east side of the Merrimack river and to the east of the Daniel Webster highway, through the towns of Allenstown and Pembroke to the Sheep-Davis road, so called, in the city of Concord to the

junction of the Dover and Loudon roads, or such part thereof as may be best for the public good.

Amend section 4 by striking out the words, "governor and council" in the fourth line and inserting in place thereof the words, highway commissioner, so that said section as amended shall read as follows: 4. *Contingency.* The layout and improvement of the highway designated in section 1 shall be contingent upon the granting of assistance by the federal government to the state, for the purposes hereof, of such funds or labor or other facilities as shall appear to the highway commissioner to be sufficient, with the contribution from state highway funds as provided in section 3, for the carrying out of the purposes hereof.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph 18-a in section 1 by striking out said paragraph and inserting in place thereof the following:

18-a. *Reimbursement: Application.* In any year in which no state tax is levied, any town in which national or state forest reserve lands are situated, whether acquired by gift, purchase or in any other manner, may apply, by its selectmen, to the tax commission, annually, before September first, for reimbursement of an amount not exceeding one-half the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 438, An act providing for licenses for amusement machines, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 440, An act to legalize the annual meeting of 1940 and 1941 in the town of Jefferson, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mrs. Bixby of Berlin, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 23, An act relating to the biennial referendum, reported the same with the amendment, as printed in the Journal of May 29, and the recommendation that the bill as amended ought to pass.



The report was accepted.

The question being on the amendment.

Mr. Gage of Manchester moved that the bill and the amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Gage of Manchester, O'Shan of Laconia and Wadleigh of Milford spoke in favor of the amendment.

Messrs. Foote of Portsmouth, Blandin of Bath and Sullivan of Concord and Mrs. Brungot of Berlin spoke against the motion.

A division being had, 173 members voted in the affirmative and 162 members voted in the negative, and the motion to indefinitely postpone prevailed.

Mr. Rousseau of Manchester demanded the yeas and nays and the roll was called with the following result.

YEAS—183

ROCKINGHAM COUNTY: Tuttle, Stowe, Goodrich, Morrison, Cilley, Pennell, Spollett, Evans of Kensington, Keay, Nesmith, Patridge, Prescott, Hobbs, Johnson of Northwood, Barrett, Kittredge, McNeil, Tucker, Foote of Seabrook, Jewell of Stratham;

STRAFFORD COUNTY: Hayes of Dover, Jackson, Hartford, Kennard, Ackroyd, Leighton, Lucas, Blanchard, Webster, Bartlett of Lee, Longley, Hale of Rochester;

BELKNAP COUNTY: Rollins of Alton, Cotton, Philbrick of Belmont, Nichols, Lord, Brown of Gilmanton, O'Shan, Guay of Laconia, Tilton of Laconia, Ward 3, Merrill of Laconia, Ewing, Hopkins, Smith of New Hampton, Woodman, Rogers;

CARROLL COUNTY: Simpson, Grindle, Hill, Wiggin of Conway, Nickerson, Banfield, Smart of Ossipee, Knox, Vittum, Hayes of Tuftonboro, Young;

MERRIMACK COUNTY: Phelps, Moore of Bradford, Laird, Sanborn of Chichester, Coakley, Davis of Concord, Henry, Otis, Nash, Osborne of Concord, Sturtevant, Tilton of Concord, Bunten, Ford, Milburn, Bunker, Maxfield, Douphinett, Whittier, Maxwell, Rounds, DuDevoir, Nelson of Hopkinton, Kenney, Swift, Carr, Freese, Perkins, Connor, Cloues;

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Bartlett and Brown of Goffstown, Reynolds, Boynton, Lievens, Abbott, Morrill, Cummings, Knowlton, Carter, Gage, and Woodbury of Manchester, Duval, Lesmerises, Carter of Merrimack, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Sullivan of Nashua, Ward 4, Bilodeau, Paquette, Goyette, Grandmaison, Wilcox, Bouthillier, Shedd, Thompson, Bigelow, Peaslee;

CHESHIRE COUNTY: Winslow, Thomas, Hanson, Clark of Harrisville, Duncan, Frissell, Lombard, Mason of Keene, Duffy, Hale of Rindge, Blake, Wheeler, Grimes, Ingham, Nelson of Winchester;

SULLIVAN COUNTY: Higley, Hamlin, Daly, Witherill, Barton, Bailey of Newport, Mark, Philbrick of Springfield, Osborne of Sunapee, Cram;

GRAFTON COUNTY: Coolidge, Clark of Canaan, Sanborn of Enfield, Hodge, Valia, Holden, Davison, Dean, Haley, Gile of Lebanon, Collins of Lisbon, Blount, Downing, Bailey of Lyme, Cushman, Day, Bell, Barney, Morse, Gilbert;

COOS COUNTY: Collette, Lazure, Parkhurst, Emerson of Dalton, Kimball, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Baldwin, Weeks of Stewartstown, Taylor.

#### NAYS—171

ROCKINGHAM COUNTY: Lake, Wyman, Currier, Corson, Fecteau, Bourn, Goodale, Robbins of Fremont,

Merrill of Hampton, Pridham, Coleman, LaBranche, Rousseau of Newmarket, Sanborn of Nottingham, Palmer, Dondero, Foote of Portsmouth, Redden, Yeaton, Canty, Holmes, Barron, Peever;

STRAFFORD COUNTY: Hayes of Barrington, Courchene, Cronin, Shaheen, Brennan of Dover, Nadeau of Rochester, Conrad, Beaudoin, Potvin, Studley, Hayes of Rochester, Ward 6, Nutter, Hamel, Habel, Hebert, Nadeau of Somersworth, Coffin, Berry;

BELKNAP COUNTY: Tarlson, Langlois, Roucher, Tilton of Laconia, Ward 4, Neal, Pynn;

CARROLL COUNTY: Huntress;

MERRIMACK COUNTY: Guilbeault, Carter of Boscawen, Veroneau, Fletcher, Clinton, Upton, Mayo, Comi, Sullivan of Concord, Lemire, Riel, Boisvert, Dupont, Mock;

HILLSBOROUGH COUNTY: Clark of Francestown, Charois, Gleason, Gay of Hillsborough, Chase, Daniels of Manchester, Ward 1, Wiggin of Manchester, Barry, Dowd, Sullivan of Manchester, Frain, Kean, McGowan, O'Neil, Betley, Creighton, Dulac, Healy, O'Brien, Slowey, Gaumont, Gorham, Tessier, Turcotte, Benoit of Manchester, Ward 8, Constant, Donnelly, Kane of Manchester, Driscoll, Egan, Caron, Getz, Gilmartin, Stewart, Roukey, Aubin, Durette, Huard, Prince, Rousseau, Daniel of Manchester, Ward 13, Thibodeau of Manchester, Turgeon, Ellison, Goulet, Trombley, Spalding, Plourde, Velishka, Shea of Nashua, Betters, Sweeney of Nashua Ward 7, LeBlanc, Senechal, Bass;

CHESHIRE COUNTY: Moore of Alstead, Robertson, Mills, Batchelor, Callahan, Lichman, Sayers, Pickett, Tarbox, Doucette, Pierce, Brennan of Westmoreland;

SULLIVAN COUNTY: Beland, Decker, Gaffney, Marcotte, Murphy, Condon, Kempton, Maley;

GRAFTON COUNTY: Brown of Ashland, Blandin, Noyes, Pulsifer, Hunter, Cryan of Haverhill, Oakes,



Butler, Guay of Lebanon, Jette, Adams of Lincoln, Hamilton of Lisbon, Collins of Littleton, Whitcomb, Merrill of Plymouth, Sawyer;

COOS COUNTY: Hinchey, Mason of Berlin, Moffett, Smith of Berlin, Lemieux, Studd, Brungot, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Seymour, Weeks of Colebrook, Chandler, Fraser, Marshall, Hutchins.

### Pairs

O'Connell of Manchester voting No, paired with Mercier of Claremont voting Yes.

And the motion to indefinitely postpone prevailed.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 78, An act establishing a commission to raise additional revenue for the state, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the minority of the Committee on Ways and Means, to whom was referred House Bill No. 78, An act establishing a commission to raise additional revenue for the state, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

BERNADETTE CHAROIS,  
MARYE L. CARON,  
ERWIN E. CUMMINGS,

*A Minority of the Committee.*

The report was accepted.

Mr. O'Brien of Manchester moved to substitute the report of the minority "ought to pass" for the report of the majority "Inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. O'Brien of Manchester and Mrs. Brungot of Berlin spoke in favor of the amendment.

Mr. Tarbox of Marlboro spoke against the motion.

Mrs. Brungot of Berlin moved that the bill and its accompanying reports be laid upon the table.

On a *viva voce* vote the bill and the accompanying reports was laid upon the table.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 424, An act relative to terms of court for the county of Carroll.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 406, An act relating to the discontinuance of railroad service.

Amend section 1 by striking out the first five lines and inserting in place thereof the following:

1. *Powers of Public Service Commission.* Amend chapter 238 of the Public Laws (chapter 278, commissioners' report) by inserting after section 22 the following new section: 22-a. *Railroads, Service.* No railroad

On motion of Mr. Carter of Manchester the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the

passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 271, An act relating to sewerage systems.

Amend the bill, as amended, by adding after section 5 the following new section: 6. *Repeal*. Section 6 of chapter 241 of the Laws of 1893 is hereby repealed so far as the same is inconsistent herewith.

Further amend the bill, as amended, by renumbering section 6 as section 7.

On motion of Mr. Fletcher of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce.

Amend the joint resolution by striking out all after the resolving clause and substituting therefor the following:

That a sum not to exceed three hundred dollars is hereby appropriated for the purpose of cleaning and reconditioning the monuments on the Pierce family lot in Minot Enclosure in Old North Cemetery in Concord, New Hampshire. Said sum shall be expended under the direction of the Governor and Council and subject to such conditions and restrictions as they shall im-



pose in the public interest. The Governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated. The expenditure of this appropriation shall be contingent upon the assumption by the city of Concord of the care and maintenance of said monument and its appurtenant grounds. The Mayor and Board of Aldermen of the city of Concord are hereby authorized to enter into an agreement on behalf of said city with the State of New Hampshire, to perform such care and maintenance, and are further authorized to appropriate money for such care and maintenance.

Mr. Daniels of Manchester moved that the House non-concur and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on the part of the House, Messrs. Tilton of Ward 3, Laconia, Potter of Concord and Sawyer of Woodstock.

The message further announced that the Senate had voted to recall from the Governor, for further consideration, House Bill No. 316, An act relating to boxing and wrestling.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942.

House Bill No. 44, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1943.

And the President has appointed on such committee on the part of the Senate, Senators Heald, Thompson and Perley.

The message further announced that the Senate refused to concur with the House of Representatives in its amendment of the following entitled bill, sent up from the House of Representatives:

Senate Bill No. 57, An act relating to salaries for Councilmen in the city of Portsmouth, and asked for a Committee of Conference, and the President has appointed on such committee on the part of the Senate, Senators Leahy and Moran.

Mr. Foote of Portsmouth moved that the House accede to the request of the Honorable Senate, and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on the part of the House, Messrs. Foote of Portsmouth, Wyman of Candia and Booth of Manchester.

The message further announced that the Senate had refused to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 61, An act relative to *pari mutuel* pools and asked for a Committee of Conference, and the President has appointed as members of such committee on the part of the Senate, Senators Perley and Kelley.

Mr. Chase of Manchester moved that the House accede to the request of the Honorable Senate, and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on the part of the House, Messrs. Tarbox of Marlboro, Neal of Meredith and Blandin of Bath.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct

from the Water Works Department of such precinct, and to incorporate each department.

### Senate Bill Read and Referred

Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of such precinct and to incorporate each department.

Read a first and second time and referred to the Committee on Revision of the Statutes.

### Unfinished Business

Mr. Bass of Peterborough called for the unfinished business.

House Joint Resolution No. 14, Joint resolution for an investigation of the efficiency and need of continuing the county form of government.

The question being on the motion that the bill with the amendment pending be indefinitely postponed.

On a *viva voce* vote the motion prevailed.

Mr. Duncan of Jaffrey asked for a division.

A division being had, 203 members voted in the affirmative and 123 members voted in the negative and the motion prevailed.

### Resolution

Mr. Burkhardt of Portsmouth offered the following resolution:

*Whereas*, We have learned with sorrow of the death of Patrick E. Kane, Representative from Portsmouth, and

*Whereas*, We are mindful of the loyal and efficient service rendered by our fellow member to the State of New Hampshire, therefore be it

*Resolved*, That the members of the House of Representatives extend its deepest sympathy to the bereaved family, and be it further



*Resolved*, That the Clerk transmit a copy of these Resolutions to them.

JOHN BURKHARDT,  
ANDREW J. BARRETT,  
JOHN H. YEATON,  
JAMES R. McNEIL,  
FREDERICK SCHLEGEL,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

Mr. Hamilton of Lisbon offered the following concurrent resolution.

#### Concurrent Resolution

To oppose the authorization of a flood control project at Sugar Hill.

*Whereas*, a new flood control bill is being considered in the United States Congress which would substitute authorization of a dam at Sugar Hill, in the town of Lisbon, New Hampshire, for one previously authorized at Bethlehem Junction, and

*Whereas*, this General Court gave its consent to the Bethlehem Junction project by an act adopted May 31, 1939, known as Chapter 149, Laws of 1939, and

*Whereas*, citizens of Lisbon, Littleton and other Ammonoosuc Valley towns have voted unanimously at a mass protest meeting their opposition to the Sugar Hill dam project and have requested that this General Court go on record in opposition to any federal authorization for building a flood control dam at said Sugar Hill, but reaffirming approval of the Bethlehem Junction dam site as already authorized, and

*Whereas*, the new proposed project would entail considerable loss to the towns of Lisbon and Littleton and disrupt the economic relations between the towns in said area and

*Whereas*, no protest has been voiced by the citizens of Bethlehem to the Bethlehem Junction project already approved by federal authorities and consented to by this state,

Now, therefore, the House of Representatives in General Court convened, the Senate concurring:

*Hereby resolves* That this General Court records its opposition to federal authorization for building a flood control dam at Sugar Hill in the town of Lisbon and directs the Governor of the State to forward forthwith copies of this resolution to the Speaker of the House of Representatives of the United States Congress, the President of the Senate of said body, the Chairman of the Congressional Flood Control Committee, and to each of the representatives and senators of this state in the United States Congress.

Read a first and second time and referred to the Committee on National Affairs.

Mr. Woodbury of Manchester offered the following concurrent resolution:

#### **Concurrent Resolution**

*Whereas*, in pursuance of the national-defense program and the Selective Service and Training Act of 1940, hundreds of thousands of persons have been inducted into the military and naval service of the United States: and

*Whereas*, such persons have been assigned to training bases located considerable distances from their respective homes and the pay allowed to such persons is insufficient to permit such persons to utilize common-carrier services of any nature on furloughs and vacations granted them; and

*Whereas*, as a result of this condition thousands of such persons desirous of returning to their homes during such furloughs or vacations are unable to do so; and

*Whereas*, in order to remedy this unfortunate situation, laws should be enacted which would permit or require common carriers of passengers to charge such persons special excursion and round-trip rates on a scale commensurate with the ability of such persons to pay for such services; therefore be it

*Resolved* by the Senate and House of Representatives in General Court convened:

*That* we respectfully importune the present Congress of the United States to enact such laws, or amendments to existing laws, as will accomplish the objectives stated in the preamble hereto; and be it further

*Resolved*, That suitably engrossed copies of this preamble and resolution be forwarded immediately by the Secretary of State to each member of the House of Representatives and Senate of the present Congress from the state.

Read a first and second time, and referred to the Committee on Military Affairs.

Mr. O'Shan of Laconia moved that the rules be suspended, reference to a committee be dispensed with and the concurrent resolution be put upon its third reading, and final passage at the present time.

The question being on the motion of Mr. O'Shan.

(Discussion ensued)

Messrs. O'Shan of Laconia and Woodbury of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The concurrent resolution was then read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Osborne of Concord gave notice that on today or some subsequent day, he would move to reconsider



the vote whereby the House voted to indefinitely postpone Senate Bill No. 23, An act relating to the biennial referendum.

On motion of Mr. Guay of Laconia business in order at 3 o'clock, was made in order at the present time.

### **Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills, by their titles, made in order.

House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands.

House Bill No. 436, An act relating to the payment of county taxes.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Gilmarton of Manchester at 12:48 o'clock the House adjourned.

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WEDNESDAY, JUNE 4, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### **Joint Convention**

Bryan Rust, Professor of International Relations, Wayne University, Detroit, Michigan was introduced to the convention.

On motion of Senator Avery of District No. 14, the the convention rose.

### **House**

#### **Leaves of Absence**

Messrs. Hale of Rochester, Rollins of Alton, Tilton of Laconia, Ward 3, Atherton, Cormier of Nashua,

Philbrick of Springfield, and Barney of Rumney were granted leave of absence for the day on account of important business.

Messrs. Labranche, Rousseau of Newmarket, Hayes of Barrington, Bartlett of Lee, Nutter of Rollinsford, Hebert of Somersworth, Sturtevant of Concord, Graham of Antrim, Getz, Dowd, O'Neil, Frain, of Manchester, Blake of Swanzey, Brennan of Westmoreland, Edwards of Bennington, Hamlin of Charlestown, Barton of Lempster, were granted leaves of absence for Wednesday and Thursday.

Messrs. Brennan, Cronin, Jackson, Courchene of Dover, Smith of New Durham, Driscoll, Anderson, Creighton, Conway of Manchester, Gleason of Hancock, Oakes of Landaff, Robbins of Thornton, and Lazure of Berlin, were granted leaves of absence for Thursday, on account of important business.

Mr. Collins of Littleton was granted leave of absence for the week on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 36, An act relating to town offices.

Senate Bill No. 53, An act relative to service of process in small claims courts.

Senate Bill No. 63, An act relative to adjustment of certain inheritance taxes by compromise.

Senate Bill No. 64, An act defining a prescription.

Senate Bill No. 71, An act relating to the reporting of the expenses of the justices of the superior court.

House Bill No. 370, An act relative to payment of fines and costs in motor vehicle violations, and certain other violations of law.

House Bill No. 387, An act relating to the transportation of explosives.

House Bill No. 424, An act relative to terms of court for the county of Carroll.

House Joint Resolution No. 63, Joint Resolution in favor of Olga Chiaradia.

House Bill No. 432, An act relating to the ministerial library in the town of Peterborough.

House Bill No. 147, An act relative to destruction of certain records in the department of the state board of health.

Senate Bill No. 49, An act providing for airport zoning.

The report was accepted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred Senate Bill No. 46, An act relating to municipal finances, reported the same without recommendation, due to the fact that no money being involved there is no action necessary by the committee.

The report was accepted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 401, An act authorizing the State of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Daniels, Ward 1, Wanchester, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 68, Joint resolution establishing a committee to study the practice of automobile financing, with the



recommendation that the joint resolution be referred to the Committee on Judiciary.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice and pleading, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the caption of said resolution by inserting after the word "practice" the word, procedure, so that said caption as amended shall read as follows:

Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice, procedure and pleading.

Amend said resolution by inserting after the word "practice" in the fourth line the word, procedure, so that said resolution as amended shall read as follows:

That a special committee be appointed by the governor, with the advice and consent of the council, to consist of four members together with the attorney-general, ex-officio, whose duty it shall be to make a survey and study of the laws relating to crime, criminal practice, procedure and pleading with a view to the revision, codification, simplification and amendment of said laws and the making of any other improvements therein which may seem advisable. Of the appointive members one shall be a solicitor of one of the counties of the state, one shall be a justice of a municipal court and the other two members shall be lawyers. Said members shall serve without pay and the committee shall make a report to the general court by filing its recommendations and findings with

the clerk of the Senate for submission to the next session of the legislature. The sum of three hundred and fifty dollars is hereby appropriated for expenses of the committee and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted and the joint resolution ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 426, An act relative to the audit of municipal accounts, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend line 8 of section 27 by inserting after the word "accountant" the words, in a manner prescribed by the Tax Commission, so that said section as amended shall read as follows: 27. *Audit on Motion of Commission.* The commission may cause an audit to be made of the accounts of any city, town, school district, village district or precinct, as often as once in two years, or whenever conditions appear to it to warrant such audit. The commission shall cause an audit to be made of the accounts of each county as often as once in two years, or more often when conditions appear to warrant such audit, unless an audit of the accounts of such county has been made during said period by a certified public accountant in a manner prescribed by the Tax Commission and said certified public accountant's complete report is available to the public.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Condon of Newport, for the Committee on Appropriations, to whom was referred House Bill No. 49, An act relating to the salary of the deputy insurance commissioner, reported the same with the follow-

ing amendment and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words "twenty-seven" in the fifth line and in the seventh line and inserting in place thereof the words, twenty-two, so that said section shall read as follows:

1. *Deputy Insurance Commissioner.* Amend section 7 of chapter 271 of the Public Laws, as amended by chapter 165 of the Laws of 1929 and chapter 137 of the Laws of 1931, by striking out the words "eighteen hundred" in the third line and inserting in place thereof the words, twenty-two hundred, so that said section as amended shall read as follows: 7. *Compensation.* The annual salary of the commissioner shall be five thousand dollars, and of the deputy commissioner twenty-two hundred dollars, and shall be full compensation for their services. A temporary commissioner shall be paid five dollars a day for the time actually spent in the discharge of his duties; and the governor and council shall audit and allow his account therefor.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee of Conference, to whom was referred House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver, having considered the same, reported the same with the recommendation that the Senate recede from its position in adopting its amendments, and that the House recede from its position of non-concurrence and that the Senate and House adopt the following amendment:

Amend section 1 of said bill by striking out the whole section and inserting in place thereof the following: 1. *License to Carry.* Amend section 6 of chapter 149 of the Public Laws by striking out the



whole section and inserting in place thereof the following: 6. *License to Carry*. The selectmen of a town or the mayor or chief of police of a city may, upon application of any person who is a resident therein, or by the superintendent or some person designated by him in the department of the State Police, if a non-resident, issue a license to him to carry a loaded pistol or revolver in this state, for not more than one year from the date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the selectmen, or the mayor, or chief of police for one year. The fee for licenses issued to residents of the state shall be fifty cents, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out of state residents shall be one dollar, which fee shall be for the use of the state.

WINSLOW H. OSBORNE,  
HAROLD W. CORSON,  
LEONARD G. VELISHKA,

*Conferees on the Part of the House.*

BENJAMIN H. BRAGG,  
JOHN J. O'REILLY

*Conferees on the Part of the Senate.*

On motion of Mr. Osborne of Concord the report was adopted.

#### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with

the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 88, An act creating a commission to study election laws.

House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles.

House Bill No. 329, An act relating to non-resident privileges.

House Bill No. 378, An act to exempt cooperating marketing associations from regulation as carriers for hire.

House Bill No. 415, An act relative to the salary of the Secretary of the State Board of Health.

House Bill No. 429, An act providing a deficiency appropriation for certain state departments.

House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, Justice of the Municipal Court of Manchester.

House Joint Resolution No. 62, Joint resolution providing for training meetings for forest fire wardens.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 174, An act relating to the length of motor vehicles.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 71, An act abolishing causes of action for breach of contract to marry.

Amend section 1 by striking out the first six lines and inserting in place thereof the following:

1. *Limitation of Actions.* Amend chapter 329 of the Public Laws (chapter 375, commissioners' report) by adding at the end thereof the following new section: 11. *Breach of Contract to Marry.*

Amend section 2 by striking out the first two lines and inserting in place thereof the following:

2. *Takes Effect; Application.* This act shall take effect October 1, 1941, but shall not effect any action.

On motion of Mr. Osborne of Concord, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 164, An act prohibiting the use of second hand material in bedding, pillows, etc.

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *Manufacture and Sale of Bedding, Pillows, Upholstered Furniture, Etc.* Amend section 58, chapter 162, Public Laws (section 58, chapter 189, commissioners' report) by

Amend section 2 by striking out the word "chapter" in the twenty-fourth line and inserting the word, subdivision, and by striking out the words "said board" in the twenty-seventh line and inserting in place thereof the words, State Board of Health.

Further amend said bill by adding the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Winslow of Chesterfield the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State of be engrossed.



House Bill No. 262, An act relating to the practice of dentistry.

Amend said bill by striking out the first two lines and inserting in place thereof the following:

1. *Dentistry.* Amend section 18, chapter 205, Public Laws (section 17, chapter 242, commissioners' report)

On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 59, An act relating to exemptions from taxation.

### Resolutions

Mr. Comi of Concord offered the following resolution:

*Whereas*, we have learned of the death of Edward B. Haskell, former representative from Concord, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit suitable resolutions.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs. Comi, Tilton, Fletcher, Sullivan and Mayo of Concord.

Mr. Wyman of Candia offered the following resolution:

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies, in pamphlet form, of the report of the committee to investigate old age assistance.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Tilton of Concord the rules were suspended to allow for the presentation of a committee report, which had not previously been advertised in the Journal.

Mr. Tilton of Concord, for the Committee on National Affairs, to whom was referred the following concurrent resolution:

### Concurrent Resolution

*Whereas*, in pursuance of the national-defense program and the Selective Service and Training Act of 1940, hundreds of thousands of persons have been inducted into the military and naval service of the United States; and

*Whereas*, such persons have been assigned to training bases located considerable distances from their respective homes and the pay allowed to such persons is insufficient to permit such persons to utilize common-carrier services of any nature on furloughs and vacations granted them; and

*Whereas*, as a result of this condition thousands of such persons desirous of returning to their homes during such furloughs or vacations are unable to do so; and

*Whereas*, in order to remedy this unfortunate situation, laws should be enacted which would permit or require common carriers of passengers to charge such persons special excursion and round-trip rates on a scale commensurate with the ability of such persons to pay for such services; therefore be it

*Resolved* by the Senate and House of Representatives in General Court convened:

*That* we respectfully importune the present Congress of the United States to enact such laws, or amendments to existing laws, as will accomplish the

objectives stated in the preamble hereto; and be it further

*Resolved*, That suitably engrossed copies of this preamble and resolution be forwarded immediately by the Secretary of State to each member of the House of Representatives and Senate of the present Congress from the state.

Reported the same with the recommendation that the resolution ought to pass.

The report was accepted and the resolution ordered to a third reading.

### Introduced to House

Richard Moulton of Meredith, member of Admiral Byrd's Antarctic Force, was introduced to the House.

On motion of Mr. Guay of Laconia business in order at three o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills, by their titles, joint resolution by its caption, and concurrent resolution by its caption, made in order.

House Bill No. 49, An act relating to the salary of the deputy insurance commissioner.

House Bill No. 401, An act authorizing the State of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance.

House Bill No. 426, An act relative to the audit of municipal accounts.

House Joint Resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice and pleading.

Concurrent Resolution regarding the Selective Service and Training Act of 1940.



Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 46, An act relating to municipal finances.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Miss Hanson of Gilsum at 12:05 o'clock the House adjourned.

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THURSDAY, JUNE 5, 1941.

The House met according to adjournment.

Rev. Dr. Charles S. Mills of Jaffrey, offered the following prayer.

Let us invoke the divine blessing.

O Thou in Whom we live and move and have our being, we invoke Thy blessing upon those assembled here to whom are committed the tasks of fashioning and establishing laws for the promotion of the progress and welfare of our beloved commonwealth. We pray that they may hold their several offices as a sacred trust before Thee and magnify the public welfare above all private interests. May they walk in the light as Thou givest them to see the light; seek the truth and follow it to the end.

We pray for our country. May Thy blessing rest upon the President and all those constituted with him in authority, that they may be so guided by Thy Spirit that our sacred heritage of freedom may be preserved and handed down to our children and those who will come after them. May bitterness and hatred and racial animosity be done away and righteousness and goodwill prevail among all men.

We pray for the Governor of this state and for his Councilors, that they may have light to know the

truth and follow it so that we may do our part to bring order out of chaos in the world resisting the hosts of darkness that have abandoned Thee and seek to trample upon the liberty of others. We commit ourselves to Thee, O Lord, command what Thou wilt and enable us to fulfill Thy commands. In Christ's name. Amen.

### Leaves of Absence

Messrs. Redden and Canty of Portsmouth, Cram of Unity, Fernald of Rochester, Brown of Gilmanton, Tilton of Laconia, Lemire, Whittier, Riel and Douphinett of Franklin, Lievens of Hollis, Roy, Durette, Sullivan, Mahoney, and McGowan of Manchester, Shea, Sweeney of Ward 7, Velishka, Plourde, Senechal, Grandmaison, Sullivan, Ward 4, Sweeney of Ward 2, and LeBlanc of Nashua, Hayes, Hinchey and Studd of Berlin were granted leaves of absence for the day on account of important business.

Mr. Bartlett of Goffstown was granted leave of absence for the week of June 10, on account of important business.

Mr. Weeks of Stewartstown was granted leave of absence for Tuesday and Wednesday, June 10 and 11.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolutions and bills:

House Joint Resolution No. 31, Joint resolution in favor of Alfred J. Chretien, justice of the municipal court of Manchester.

House Joint Resolution No. 62, Joint resolution providing for training meetings for forest fire wardens.

House Bill No. 88, An act creating a commission to study the election laws.

House Bill No. 351, An act relating to the nomination of candidates by petition.

House Bill No. 406, An act relating to the discontinuance of railroad service.

House Bill No. 410, An act conferring authority upon the public service commission to establish temporary rates.

House Bill No. 415, An act relative to the salary of the secretary of the state board of health.

House Bill No. 71, An act abolishing causes of action for breach of contract to marry.

House Bill No. 194, An act creating a retirement system for policemen.

House Bill No. 262, An act relating to the practice of dentistry.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 271, An act relating to sewerage systems, reported the same under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, in the cities of Concord, Laconia and Portsmouth, so that said title as amended shall read as follows:

An act relating to sewerage systems in the cities of Concord, Laconia and Portsmouth.

Amend section 4 by striking out the first five lines thereof.

Amend section 5 by striking out the words "the above sections of."

Amend section 6 by inserting after the figures "1893" the words, relative to the city of Laconia.

On motion of Mr. Fletcher of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.



The bill was then sent to the Senate for concurrence.

Mr. Perkins of Pittsfield, for the Committee on Judiciary, to whom was referred House Bill No. 440, An act to legalize the annual meeting, 1940 and 1941, in the town of Jefferson, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend the second preamble by striking out the words "as common carriers" in the first and second lines so that the same shall read as follows: *Whereas* the construction of pipe lines for the transportation of such petroleum and its by-products in and through this state will tend to alleviate the ill effects of such shortage and promote the interests of national defense, and the safety and welfare of the citizens of this state.

Amend section 1 by striking out the words "as a common carrier" in the fifth and sixth lines and the words "as a common carrier" in the twenty-first line.

Further amend section 1 by adding after the word "bridge" in the eighteenth line the words, or toll road, so that the same shall read as follows: 4. *Public Utility*. The term public utility shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations, owning, operating or managing any plant

or equipment or any part of the same for the conveyance of telephone or telegraph messages or for the manufacture or furnishing of light, heat, power or water for the public, or in the generation, transmission or sale of electricity ultimately sold to the public, or owning or operating any toll bridge or toll road, or owning or operating any steam or other power boat engaged in the common carriage of passengers or freight or owning or operating any pipe line, including pumping stations storage depots and other facilities, for the transportation of crude petroleum and refined petroleum products or combinations thereof.

Amend section 3 by striking out in the second and third lines the words "at the end of said chapter" and by changing the figures 17 to 7-a so that the first four lines of said section shall read as follows: 3. *Eminent Domain*. Amend chapter 244 of the Public Laws by inserting the following new section: 7-a.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 441, An act to repeal charters of certain corporations, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Osborne of Sunapee, for the Committee on Rules, having considered the subject, reported the following entitled bill, House bill No. 442, An act providing for the assessment of an additional poll tax to provide funds for old age assistance grants, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 443, An act for the observance of "Bill of Rights" day, with the recommendation that the bill be referred to the Committee on Revision of the Statutes.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Revision of the Statutes.

Mr. Wiggins of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 444, An act providing for the acceptance of a gift of land from the St. Regis Paper Company, and the Connecticut River Power Company for the purpose of a state forest reservation, with the recommendation that the bill be referred to the Committee on Forestry and Recreation.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Forestry and Recreation.

Mr. Simpson of Bartlett, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 445, An act authorizing application to the Superior Court by fiduciaries or beneficiaries of trust funds, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Blandin of Bath, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 446, An act to incorporate



Evangel University, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 64, Joint resolution providing for expenses of special session of convention to revise the Constitution, reported the same with the following amendment and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out in the first line the words "fifteen thousand" and inserting in place thereof the words, twelve thousand, so that said resolution as amended shall read as follows:

That a sum not exceeding twelve thousand dollars is hereby appropriated for paying the expenses of an adjourned session of said convention, and the Governor is hereby authorized to draw his warrant for so much of said sum as may be necessary for such purpose.

The report was accepted.

The question being on the amendment.

Mrs. Brungot of Berlin moved that the bill with the amendment pending be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mrs. Brungot of Berlin and Messrs. Maxwell of Henniker, O'Shan of Laconia, Hayes of Rochester, Grinnell of Derry and Holden of Hanover spoke in favor of the motion.

Messrs. Upton of Concord, Kenney of Loudon, Bass of Peterborough, Betley of Manchester, Carter of Manchester, Nelson of Winchester, Blandin of Bath, and Duncan of Jaffrey spoke against the motion.

Mr. Blandin of Bath moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mrs. Brungot of Berlin asked for a division.

A division being had, 119 members voted in the affirmative and 173 members voted in the negative and the motion to indefinitely postpone did not prevail.

Mrs. Brungot of Berlin demanded the yeas and nays but subsequently withdrew her demand.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution.

*Whereas*, it appears that all necessary legislative work may be accomplished by Friday, June 13, instant, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 13, instant, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 59, An act providing for the improvements at Rye Harbor.

House Bill No. 194, (in second new draft), An act creating a retirement system for policemen.

House Bill No. 368, An act relating to the practice of hairdressing and manicuring.

House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

To oppose the authorization of a flood control project at Sugar Hill.

In pursuance of the national-defense program and the Selective Service Training Act of 1940.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 62, An act to authorize the Bartlett and North Conway lighting precinct to issue revenue bonds.

Senate Bill No. 75, An act relative to the service of process against motor vehicle operators.

House Bill No. 422, An act relating to the election of county officers.

The message further announced that the Senate had voted to adopt the Committee of Conference report on House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Joint Resolution No. 3, Joint resolution in memory of Franklin Pierce, and the President of the Senate



appointed on the part of the Senate, as members of such committee, Senators Howard and Reinhart.

The message further announced that the Senate had voted to recall from the Governor for further consideration the following bills:

House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 2500 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and cooperate in the undertaking of slum-clearance and housing projects for families of low income, and

House Bill No. 348, An act relating to housing.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives

House Bill No. 409, An act relating to supervision of navigation.

Amend the bill by inserting before section 1 the following:

1. *Supervision of Navigation.* Amend chapter 151, Public Laws, as amended by chapters 6, 84 and 111 of the Laws of 1929, chapters 29, 93 and 147, of the Laws of 1931, chapters 30, 71 and 72 of the Laws of 1933, sections 2 and 2-a, chapter 115, Laws of 1935, chapter 120, Laws of 1937 and chapter 121, Laws of 1939 (chapter 177, commissioners' report) by striking out said chapter and inserting in place thereof the following new chapter:

Amend section 6 by striking out the words "and all sums received from the state treasurer on account of the motor vehicle road tolls."

Amend section 28 by striking out the same, and renumbering and inserting in place thereof the following:

2. *Repeal.* Section 10, chapter 152, Public Laws (section 10, chapter 179, commissioners' report); section 38, chapter 380, Public Laws (section 37, chapter 432, commissioners' report) and chapter 108, Laws of 1933 are hereby repealed.

Amend section 29 by renumbering section to read section 3.

On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 414, An act relating to arrests.

Amend section 3 by striking out the figure "1" and inserting the figure, 2. Amend section 10 by striking out the words "he is" in the third line and by inserting the word, that, before the word "such" in the fourth line, and by striking out the word "police" in the seventh line and inserting the word, peace.

On motion of Mr. Bass of Peterborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Senate Bill No. 33, An act in amendment of chapter 60, section 26 of the Public Laws:

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *Taxation.* Amend section 26, chapter 60, Public Laws (section 28, chapter 73, commissioners' report) by striking out said section and inserting in place thereof the following: 26. *Service Exemption.*

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments proposed by the Committee an Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 141, An act prohibiting certain employment of elected city officials.

Amend section 1 by striking out the whole of said section and substituting therefor the following:

1. *City Officials.* Amend chapter 54 of the Public Laws (chapter 66, commissioners' report) by inserting after section 2 the following new section: 2-a. *Prohibition.* No publicly elected official of a city, except school district officers, who as such official is authorized to appropriate or expend public funds shall be employed during the term for which he is elected by any department, board or commission of the city in any other capacity or in any other position of employment where compensation is allowed, except as justice or clerk of the municipal court; provided that in case any city charter, at the time this act takes effect, provides specifically that certain elected officials may be employed in other specified employments, or positions, contrary to the provisions of this section, the provisions of said charter shall prevail. Upon the acceptance of any such prohibited employment by a publicly elected official, as prohibited herein, the elective office shall forthwith become vacant and shall be filled as provided by law.

Mr. Lesmerises of Manchester moved that the House



non-concur, and a Committee of Conference be appointed.

Mr. Osborne of Concord moved that the House concur.

On a *viva voce* vote the House concurred in the adoption of the amendment proposed by the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 433, An act relating to liability insurance.

Amend section 1 by inserting the word "minimum" after the word "the" and before the word "limits" in the thirty-sixth line and inserting after the word "of" and before the word "this" in the thirty-seventh line, the words "Subsection VII of section 1 of" so that said paragraph III of section 17 shall read as follows:

III. With respect to accidents which occur within this state and subject to the minimum limits of liability validly made under the authority of Subsection VII of section 1 of this chapter the policy is to be interpreted with reference hereto and the liability of the company under the policy shall thereby become absolute upon the occurrence of such an accident; no statement made by the insured or on his behalf, and no violation of exclusions, conditions other terms or language contained in the policy or vehicle's use whether or not a premium charge has been made and paid, shall operate to defeat or avoid the policy so as to bar recovery for such accidents within said limits of liability.

Amend section 4 by striking out in Paragraph VII, line fifty-nine, the words "a private chauffeur or domestic servant in the employ" and inserting in place thereof the words "or the private chauffeur or domestic servant acting within the scope of the employment"

so that said Paragraph VII of section 4 shall read as follows:

VII. "Motor Vehicle Liability Policy," a policy of liability insurance which provides: (a) indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death at any time resulting therefrom, accidentally sustained during term of said policy by any person other than the insured, or employees of the insured actually operating the motor vehicle or of such other person responsible as afore-said who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance control or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least five thousand dollars on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of at least one thousand dollars for damage to property of others, as herein provided, or a binder pending the issue of such a policy, or an indorsement to an existing policy, as defined in sections 16, 17, and 19, and (b) which further provides indemnity for or protection to the named insured and to the spouse of such named insured as insured if a resident of the same household, or the private chauffeur or domestic servant acting within the scope of the employment of any such insured with respect to the

presence of any such insured in any other automobile, from liability as a result of accidents which occur in New Hampshire due to the operation of any motor vehicle, trailer or semi-trailer not owned in whole or in part by such insured, provided, however, the insurance afforded under this sub-paragraph (b) applies only if no other valid and collectible insurance is available to the insured.

On motion of Mr. Noyes of Bethlehem, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 76, An act regulating the size of clams which may be possessed.

Senate Bill No. 79, An act relating to the sale of drugs.

Senate Bill No. 82, An act to extend the commission on disability benefits.

Senate Bill No. 85, An act naming Calef Lake.

Senate Bill No. 86, An act relating to regulations for certain sewage systems.

Senate Bill No. 81, An act providing for licenses at public carnivals.

Senate Bill No. 84, An act relating to legacy receipts.

Senate Bill No. 91, An act relative to the municipal budget law.

#### **Senate Bills Read and Referred**

Senate Bill No. 76, An act regulating the size of clams which may be possessed.

Read a first and second time and referred to the Committee on Fisheries and Game.



Senate Bill No. 79, An act relating to the sale of drugs.

Read a first and second time and referred to the Committee on Public Health.

Senate Bill No. 82, An act to extend the commission on disability benefits.

Read a first and second time and referred to the Committee on Appropriations.

Senate Bill No. 85, An act naming Calef Lake.

Senate Bill No. 84, An act relating to legacy receipts.

Senate Bill No. 91, An act relative to the municipal budget law.

Severally read a third time and referred to the Committee on Revision of the Statutes.

Senate Bill No. 86, An act relating to regulations for certain sewage systems.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 81, An act providing for licenses at public carnivals.

Read a first and second time and referred to the Committee on Ways and Means.

### **Committee Reports**

On motion of Mr. Osborne of Concord the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Osborne of Concord, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 78, An act providing for special license plates for certain vehicles, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the words, "special license" and inserting in place thereof

the word, registration, so that said title as amended shall read as follows:

An act providing for registraton plates for certain vehicles.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *American Legion.* The commissioner of motor vehicles is hereby authorized to issue registration number plates to the New Hampshire State Voitures of La Societe Des 40 Hommes et 8 Chevaux for use on their motorized locomotives.

2. For each set of plates so issued the commissioner shall charge a fee of five dollars.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance wtih Rule No. 48.

On motion of Mr. Tilton of Concord the rules were suspended to allow for the presentation of a committee report, which had not previously been advertised in the Journal.

Mr. Tilton of Concord, for the Committee on National Affairs, to whom was referred the following concurrent resolution:

To oppose the authorization of a flood control project at Sugar Hill.

*Whereas*, a new flood control bill is being considered in the United States Congress which would substitute authorization of a dam at Sugar Hill, in the town of Lisbon, New Hampshire, for one previously authorized at Bethlehem Junction, and

*Whereas*, this General Court gave its consent to the Bethlehem Junction project by an act adopted May 31, 1939, known as Chapter 149, Laws of 1939, and

*Whereas*, citizens of Lisbon, Littleton and other Ammonoosuc Valley towns have voted unanimously at a mass protest meeting their opposition to the Sugar Hill dam project and have requested that this General Court go on record in opposition to any federal authorization for building a flood control dam at said Sugar Hill, but reaffirming approval of the Bethlehem Junction dam site as already authorized, and

*Whereas*, the new proposed project would entail considerable loss to the towns of Lisbon and Littleton and disrupt the economic relations between the towns in said area and

*Whereas*, no protest has been voiced by the citizens of Bethlehem to the Bethlehem Junction project already approved by federal authorities and consented to by this state,

Now, therefore, the House of Representatives in General Court convened, the Senate concurring:

*Hereby resolves*, That this General Court records its opposition to federal authorization for building a flood control dam at Sugar Hill in the town of Lisbon and directs the Governor of the State to forward forthwith copies of this resolution to the Speaker of the House of Representatives of the United States Congress, the President of the Senate of said body, the Chairman of the Congressional Flood Control Committee, and to each of the representatives and senators of this state in the United States Congress.

Reported the same with the recommendation that the resolution ought to pass.

The report was accepted and the resolution ordered to a third reading.

### **Resolution**

Mr. Comi of Concord offered the following resolution:

*Whereas*, We have learned with sorrow of the



death of a former member of the House of Representatives, Edward B. Haskell, Representative from Concord for several terms, and

*Whereas*, We are mindful of the loyal and efficient service rendered by him to the State of New Hampshire and to the people of Concord, therefore be it

*Resolved*, That the House of Representatives in General Court convened extend its deepest sympathy to Mrs. Haskell and the members of his family, and be it further

*Resolved*, That these resolutions be entered in the records of the proceedings of the House and that the Clerk transmit a copy of the resolutions to Mrs. Haskell.

JOSEPH J. COMI,  
JOHN C. TILTON,  
WILLIAM H. FLETCHER,  
J. RUSS SULLIVAN,  
JOHN H. MAYO,  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

### Reconsideration

Mr. O'Shan of Laconia moved that the House reconsider the vote whereby it voted to indefinitely postpone Senate Bill No. 23, An act relating to the biennial referendum at the present time.

The question being on the motion to reconsider.

Messrs. Hunter of Hanover, Wyman of Candia, and Wiggin of Manchester, and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Osborne of Concord, Wadleigh of Milford, Gage of Manchester and Tilton of Concord spoke against the motion.

Mr. Guay of Hillsborough moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

Mr. Gage of Manchester asked for a division.

A division being had, 130 members voted in the affirmative and 142 members voted in the negative and less than two-thirds of the members elected being present and voting, and less than two-thirds of those present and voting, having voted either in the affirmative or negative no valid action was taken and the bill with the motion pending went into unfinished business.

### Resolution

On motion of Mr. Callahan of Keene,

*Resolved*, That when the House adjourns this morning it adjourns to meet Saturday morning at 10 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 11 o'clock.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, the third reading of bills by their titles and joint resolution, by its caption, and concurrent resolution by its caption, made in order.

House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products.

House Bill No. 440, An act to legalize the annual meetings, 1940 and 1941, in the town of Jefferson.

Concurrent resolution to oppose the authorization of a flood control project at Sugar Hill.

Severally read a third time and passed, and sent to the Senate for concurrence.

House Joint Resolution No. 64, Joint resolution providing for expenses of a special session of convention to revise the constitution.

Read a third time.

The question being, Shall the joint resolution pass?

Mrs. Brungot of Berlin asked for a division.

A division being had, 166 members voted in the affirmative, and 54 members voted in the negative, the joint resolution passed, and was sent to the Senate for concurrence.

On motion of Mr. Chase of Manchester at 1:50 o'clock the House adjourned.

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SATURDAY, JUNE 7, 1941.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, June 7, 1941.

Mr. William N. Shaheen,  
Dover, N. H.

DEAR SIR:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

There being no quorum present, at 10.01 o'clock the House adjourned.



TUESDAY, JUNE 10, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

The following letter was read by the Clerk:

Mr. Sherman Adams,  
Lincoln, New Hampshire.

DEAR SIR:

I shall be unable to attend the session today. Will you kindly preside for me and oblige,

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

#### Leaves of Absence

Messrs. Ackroyd of Dover, Hebert and Hamel of Somersworth, were granted leave of absence for the day on account of important business.

Mr. Guay of Lebanon was granted leave of absence for the day on account of illness.

Messrs. Morgan of Bow and Clark of Harrisville were granted leave of absence for Tuesday and Wednesday on account of important business.

Messrs. Prince of Manchester, Ellison of Milford, and Blake of Swanzey were granted leave of absence for Wednesday on account of important business.

Messrs. Hayes of Barrington, Thibodeau, and Anderson of Manchester, and Whitcomb of Littleton were granted leave of absence for Wednesday and Thursday on account of important business.

Mr. Sayers of Keene was granted leave of absence for Thursday on account of important business.

Mr. Smith of New Durham was granted leave of absence for the week on account of important business.

Mr. Bass of Peterborough was granted leave of absence for the rest of the session on account of important business.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 219, An act relating to the use of commercial motor vehicles, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the first two lines and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 103 of the Public Laws (chapter 119, commissioners' report) as amended by chapter 142, Laws of 1941.

Further amend said section 1 by striking out the figures "35", "36" and "37" and inserting in place thereof respectively the figures 36, 37 and 38.

Further amend said section 1 by striking out the words "commissioners' report, chapter 119, section 14" and inserting in place thereof the words, hereof, as inserted by chapter 69, Laws of 1939.

On motion of Mr. Gile of Hanover the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 by striking out the first seven lines and inserting in place thereof the following:

1. *Pistols and Revolvers.* Amend section 6 of chapter 149, Public Laws (section 6, chapter 175, commissioners' report) by striking out said section and inserting in place thereof the following: 6. *License to Carry.* The selectmen of a town or the mayor or chief of police of a city, upon application of any resident of said town or city, or the superintendent of the state police or some person designated by him, upon application of a non-resident, may issue a license to such applicant authorizing

Further amend said section by striking out the words "the selectmen, or the mayor, or chief of police" in the fifteenth line and inserting in place thereof the words, the person issuing the same.

On motion of Mr. Velishka of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 46, An act relating to municipal finances.

Senate Bill No. 61, An act relative to pari mutuel pools.

Senate Bill No. 62, An act to authorize the Bartlett and North Conway Lighting Precinct to issue revenue bonds.

Senate Bill No. 75, An act relative to the service of process against motor vehicle operators.

Senate Bill No. 33, An act relating to service exemptions.

House Bill No. 39, An act relating to workmen's compensation.



House Bill No. 59, An act providing for the improvements at Rye Harbor.

House Bill No. 141, An act prohibiting certain employment of elected city officials.

House Bill No. 164, An act relating to bedding and upholstered furniture.

House Bill No. 409, An act relating to the supervision of navigation.

House Bill No. 414, An act relating to arrests.

House Bill No. 422, An act relating to the election of county officers.

House Joint Resolution No. 9, Joint resolution to make a long range plan for the development of Great Bay.

The report was accepted.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred House Bill No. 265, An act relating to mayor and council form of city government, reported the same, in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted.

Mr. Coakley of Concord moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Coakley of Concord, Wyman of Candia, Pickett of Keene, Velishka of Nashua, Comi of Concord, and Mrs. Brungot of Berlin and Mr. Hamilton of Lisbon spoke in favor of the motion.

Messrs Osborne of Concord, Conrad of Rochester, and Frissell of Keene spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Coakley of Concord asked for a division.

A division being had, 306 members voted in the affirmative, and 18 members voted in the negative, the motion to indefinitely postpone prevailed.

Mr. Tilton of Laconia, Ward 3, for the Committee on Appropriations, to whom was referred House Bill No. 437, An act designating for improvement a new defense highway, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 66, Joint resolution relative to the abolishment of certain grade crossings in the town of Whitefield and Dalton, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Joint Resolution No. 68, Joint resolution establishing a committee to study the practice of automobile financing, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following

entitled bill, House Bill No. 447, An act relating to the salaries of the commissioners of the county of Rockingham, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Peever of Salem moved that the rules be suspended, the order vacated whereby the bill was referred to the Committee on Judiciary, and that the bill be referred to a special committee consisting of the delegation from the county of Rockingham.

The question being on the motion of Mr. Peever.

(Discussion ensued)

Messrs. Peever of Salem and Wiggin of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was referred to the special committee consisting of the delegation from the county of Rockingham.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 405, (in new draft), An act relating to income from motor vehicle road tolls, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Retail Dealer Record.* Amend section 2 of chapter 104 of the Public Laws (chapter 120, commissioners' report) by inserting at the end the following: Every retail dealer who sells and delivers any such fuel directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, or into the fuel tanks of aircraft, shall keep such record of such sales as the state treasurer may pre-



scribe, so that said section as amended shall read as follows:

2. *Records.* Every distributor shall keep such record of importations and sales of fuels as the commissioner may prescribe. Such records shall be preserved by the distributor for two years, and shall be offered for inspection upon verbal or written demand of the commissioner or his inspector. Every retail dealer who sells and delivers any such fuel directly into the fuel tanks, or supplementary fuel tanks of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, or into the fuel tanks of aircraft, shall keep such record of such sales as the state treasurer may prescribe.

2. *Reports, by Retail Dealer.* Amend said chapter 104 by adding after section 3 the following new section: 3-a. *Reports by Retail Dealer.* Every retail dealer in this state keeping a record of sales as prescribed by the state treasurer under section 2 hereof shall, on or before the fifteenth day of each month, render a separate report to the state treasurer on forms to be furnished by his department stating the number of gallons of such fuel sold and delivered by him during the preceding month directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, and into the fuel tanks of aircraft, and such other information as the state treasurer shall prescribe.

3. *Fuels for Other Uses.* Amend section 7, chapter 104 of the Public Laws as amended by section 8, chapter 73, Laws of 1935, by inserting after the word "purposes" in the ninth line the words, and said road toll has actually been paid, so that said section as amended shall read as follows:

7. *Fuels for Other Uses.* Whenever any person shall purchase any such fuels for any purpose other than for the propulsion of motor vehicles upon highways he may, within ninety days after date of such purchase, present to the state treasurer, on blanks furnished by him, a statement under oath as to the number of gallons used for such other purposes and the name of the person from whom purchased. The state treasurer, upon satisfying himself that said fuel was actually used for such other purposes, and said road toll has actually been paid, shall refund the road toll to said purchaser.

4. *Disposal of Revenue.* Amend said chapter 104 by adding after section 11 the following new section: 11-a. *Exception.* Annually on or before June 1 the state treasurer shall compare the number of gallons on which refunds have been made for the preceding calendar year for fuel used in the propulsion of boats on inland public water of the state, and for the propulsion of aircraft, with the number of gallons of such fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboard motors, and into the fuel tanks of aircraft, as reported to him, and if there be any balance of unre-funded tolls so collected, the state treasurer shall, on July 1, next following, credit such balances respectively to the public service commission or such other commission as may exercise jurisdiction over the navigation of power boats or aircraft. Funds so credited shall be used for the promotion of the safety of such navigation and any balances remaining in said funds at the end of each fiscal year shall not lapse.

5. Amend section 6 of an act relating to supervision of navigation by inserting after the words "collected hereunder" the following: and all sums received from

the state treasurer on account of the unrefunded motor vehicle road tolls, so that said section as amended shall read as follows: 6. *Disposition of Revenues.* All fees and fines collected hereunder, and all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, shall be made available to the commission for the promotion of the safety of navigation and the administration and enforcement of this act.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mr. Potter of Concord, for the Committee on Appropriations, to whom was referred House Bill No. 319, An act relating to the development of aeronautics, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the index at the beginning of said bill.

Amend section 33 by striking out said section and inserting in place thereof the following:

33. *Appropriation.* If during either of the fiscal years ending June 30, 1942, of June 30, 1943, the proceeds of the aeronautical fund shall amount to less than eight thousand five hundred dollars a sum equal to said deficit, but in no event to exceed eight thousand five hundred dollars a year, is hereby appropriated for the purposes hereof and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, and the amendment adopted.

Mr. Upton of Concord offered the following amendment.



Amend said bill by striking out section 39 thereof and inserting in place thereof the following new section: 39. *Repeal.* Chapter 182, Laws of 1929, as amended by chapter 60, Laws of 1931, and section 4, chapter 115, Laws of 1935, relative to the regulation of aviation in the state, and chapter 36, Laws of 1931, as amended by chapter 100, Laws of 1933, (chapter 297, Commissioners' Report) relative to registration of aircraft, airmen and airports, and chapter 224, Laws of 1939, (chapter 6, Commissioners' Report) relating to the development of aeronautical facilities are hereby repealed. The repeal of the foregoing chapters and parts of chapters shall in no case affect any eminent domain proceeding had or commenced in any case before the time when the repeal shall take effect, and any such proceeding may be prosecuted to its conclusion by any of the parties to such proceeding in accordance with the provisions of the chapters or parts of chapters hereby repealed.

The question being on the amendment offered by Mr. Upton.

(Discussion ensued)

Mr. Upton of Concord spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Pennell of Exeter, for the Committee on Appropriations, to whom was referred Senate Bill No. 58, An act to provide for a committee on wood waste utilization, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the same and inserting in place thereof the following:

1. *Duties of Commission on Research.* It shall be the duty of the state planning and development com-

mission to arrange for the continuation of research work recently undertaken by the engineering experiment station of the University of New Hampshire for the purpose of developing low cost plastics from wood waste materials; to arrange to apply for and to obtain patents upon any processes, apparatus, devices or product, consistent with the patent policies of the University of New Hampshire, which may be developed as a result of such research and to license the use of such patents to such persons and on such terms as said commission may consider in the public interest, preference to be given to New Hampshire industries and special preference to be given to contributors to the fund, as provided in section 2 hereof. All patents shall be taken in the name of or assigned to The State of New Hampshire. All royalties or other revenues received from patent licenses shall be made available to said commission for conducting further research work at said engineering experiment station on the utilization of the forest products of this state.

Further amend said bill by striking out section 2 and by renumbering sections 3 and 4 to read sections 2 and 3.

Amend section 3 of said bill, as renumbered section 2, by striking out the same and inserting in place thereof the following:

2. *Appropriation; Contingency.* The sum of twenty-five hundred dollars is hereby appropriated to be expended by the state planning and development commission for the purpose of paying one-half of the cost of the continuation of the research work on plastics, including the cost of procuring patents, as specified in section 1; provided and not until there is paid into the state treasury by subscription from the woodworking industry of this state and other interested subscribers a like sum for the same purposes. The sums so paid into the state treasury shall be held in a separate ac-

count for the purposes of this act alone and the governor is hereby authorized to draw his warrant for the sum appropriated by the state, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated.

Amend the title by striking out the words "a committee" and inserting in place thereof the word, research, so that the title shall read as follows:

An act to provide for research on wood waste utilization.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's sons, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the whole section and inserting in place thereof the following:

1. *Reinstatement.* W. A. Emerson's Sons, a corporation dissolved by chapter 291, laws of 1939, may within ninety days after May 15, 1941, reinstate itself as a corporation by the payment of one hundred dollars (\$100.00) in full for fees in arrears and penalties, and by filing with the Secretary of State annual returns for the years 1937 to 1941 inclusive, and a statement under oath, signed by the clerk or acting clerk of such corporation, that it is desired that its charter or certificate of incorporation shall remain in full force and effect; provided that no remedy against such corporation, its stockholders or officers, for any liability incurred shall be impaired hereby except that no penalty for failure to pay any fees or file any returns before the date of May 15, 1941, shall be imposed; otherwise the charter of said corporation shall be forfeited in accordance with terms of chapter 291



of the laws of 1939, and this act shall in that case have no effect whatsoever.

Further amend by adding the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 3, Joint resolution in favor of Ralph Gallagher, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of nineteen hundred dollars (\$1900) be and hereby is appropriated and allowed Ralph T. Gallagher of Henniker as compensation for injuries received by him on August 1, 1939, while in the employ of the state highway department payable as follows: The sum of ten dollars a week for a total of one hundred and ninety weeks. The sum hereby appropriated shall be a charge upon the highway funds and shall be in full settlement of said claim.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 78, An act providing for special license plates for certain vehicles, reported the same with the amendment as printed in the Journal of June 5, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Palmer of Plaistow, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct, and to incorporate each department, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 13 by inserting after the word, "actions" in the first line the words, if said meetings, votes and actions would be legal except for technicalities, so that said section as amended shall read as follows:

13. *Meetings Legalized.* All meetings, votes and actions, if said meetings, votes and actions would be legal except for technicalities, held and taken by the Lebanon Center Village Fire Precinct from the date of its organization to the date of the approval of this act are hereby legalized. All authority heretofore vested by the legislature of this state in the Lebanon Center Village Fire Precinct shall remain vested in the Lebanon Water Works and the Lebanon Center Precinct Fire Department in such manner as is provided for by this act.

Amend section 15 by striking out the whole section and inserting in place thereof the following:

15. *Takes Effect.* This act shall take effect if and when it is ratified in accordance with an article in the warrant at the next annual meeting, or at a previous legally called special meeting of the Lebanon Center Village Fire Precinct, but not otherwise.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Tilton of Concord, for the Committee on National Affairs, to whom was referred Concurrent Resolution memorializing the Congress of the United

States to enact into law the "National Recovery Act of 1941," reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said concurrent resolution by striking out the fourth paragraph and inserting in place thereof the following:

*Be it Resolved*, That the Senate and House of Representatives of the State of New Hampshire in General Court convened, do hereby urge the Congress of the United States to take immediate action designed to solve the problem of old age security; and to continue and expeditiously to complete full and impartial hearings on the "National Recovery Act of 1941"; and be it further

The undersigned, a minority of the Committee on National Affairs, to whom was referred Concurrent Resolution memorializing the Congress of the United States to enact into law the "National Recovery Act of 1941," and being unable to agree with the majority, reported the same with the recommendation that the concurrent resolution ought to pass.

HARRY H. FOOTE,  
WALTER N. DAVIS,  
LESTER E. BRIGHAM,  
*A Minority of the Committee.*

The report was accepted.

Mr. Foote of Portsmouth moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Foote of Portsmouth spoke in favor of the motion.



Mr. Batchelor of Keene moved that the amendment offered by the majority of the committee be indefinitely postponed.

The question being on the motion of Mr. Batchelor.

(Discussion ensued)

Messrs. O'Shan of Laconia, Batchelor of Keene, Tilton of Concord, Woodbury of Manchester, and Seyfour of Carroll spoke for the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone the amendment.

Mr. Foote of Portsmouth asked for a division.

A division being had, 241 members voted in the affirmative and 92 members voted in the negative and the amendment was indefinitely postponed.

The question being on the motion to substitute the report of the minority, ought to pass.

(Discussion ensued)

Mr. Davis of Nashua and Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Winslow of Chesterfield moved that the concurrent resolution be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Winslow of Chesterfield and Wiggin of Manchester spoke in favor of the motion.

Messrs. Comi of Concord, Conrad of Rochester,

O'Shan of Laconia and Seymour of Carroll spoke against the motion.

Mr. Gile of Hanover moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Conrad of Rochester asked for a division.

A division being had, 88 members voted in the affirmative and 239 members voted in the negative and the motion to indefinitely postpone did not prevail.

The question being on the report of the minority of the committee that the concurrent resolution ought to pass.

On a *viva voce* vote the report was adopted and the concurrent resolution ordered to a third reading.

### Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider the vote whereby the House ordered the concurrent resolution to a third reading.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Myhaver of Peterborough the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 308 (in new draft), An act relating to motor vehicles carrying passengers for hire, reported the same in second new draft, with the recommendation that the bill in its second new draft ought to pass.

The report was accepted.

The bill in its new draft was read a first and second time and laid upon the table to be printed.

On motion of Mr. Witherill of Cornish, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Miss Hanson of Gilsum, for the Committee on Education, to whom was referred House Bill No. 350, An act establishing a trade school in the city of Manchester, reported the same in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted.

The bill in its new draft was read a first and second time and laid upon the table to be printed.

### Unfinished Business

Mr. Foote of Portsmouth called for the unfinished business, Senate Bill No. 23, An act relating to biennial referendum.

The question being on the motion to reconsider the vote whereby the House voted to indefinitely postpone the bill.

Mr. Foote of Portsmouth asked for a division.

A division being had 131 members voted in the affirmative and 200 members voted in the negative, the motion to reconsider did not prevail.

Mr. Rousseau of Manchester demanded the yeas and nays but subsequently withdrew his demand.

Mr. Carter of Manchester called for the unfinished business, Senate Bill No. 67, An act relative to appointment of the State Board of Registration of funeral directors.

The question being on the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass" with amendment.

(Discussion ensued)



Messrs. Carter of Manchester, Sweeney of Ward 2, Nashua and Chase of Manchester spoke in favor of the motion.

Messrs. Perkins of Pittsfield, Osborne of Concord and Winslow of Chesterfield spoke against the motion.

Mr. Hutchins of Stratford moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass with amendment," prevailed.

### Reconsiderations

Mr. Gile of Hanover moved that the House reconsider the vote whereby the House voted as inexpedient to legislate, House Bill No. 419, An act relating to revision of the primary laws for towns.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Gile, Hunter and Holden of Hanover, and Wadleigh of Milford spoke in favor of the motion.

Mr. Osborne of Concord and Mrs. Brungot of Berlin spoke against the motion.

(Mr. Duncan of Jaffrey in the Chair)

Mr. Blandin of Bath spoke in favor of the motion.

(Mr. Adams of Lincoln in the Chair)

Mr. Clark of Hanover spoke in favor of the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Gile of Hanover asked for a division but subsequently withdrew his request.

Mr. DuDevoir of Hooksett moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. DuDevoir of Hooksett, Tilton of Ward 4, Laconia, Morrison of Derry, Guay of Laconia, Fickett of Keene, Baldwin of Pittsburg, and Osborne of Concord spoke in favor of the motion.

Messrs. Brown of Goffstown and Cotton of Barnstead spoke against the motion.

Mr. Bresnahan of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

On a *viva voce* vote the affirmative appeared to prevail.

Mr. Wadleigh of Milford asked for a division.

A division being had 179 members voted in the affirmative and 111 members voted in the negative and the motion to reconsider prevailed.

Mr. Tilton of Ward 4, Laconia, moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

On a *viva voce* vote the motion to substitute prevailed and the joint resolution was referred to the Committee on Appropriations under the rules.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate voted to reconsider its vote whereby it refused to concur in the amendments sent up from the House of Representatives, and asked for a Committee of Conference, on Senate Bill No. 61, An act relative to *pari-mutuel* pools.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 61, An act relative to *pari-mutuel* pools.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 39, An act relating to workmen's compensation.

House Bill No. 440, An act to legalize the annual meeting, 1940 and 1941, in the town of Jefferson.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 407, An act relative to appeals from the Public Service Commission.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 411, An act making appropriations



for capital improvements for the State of New Hampshire.

Amend section 2, paragraph 1, of the bill by striking out the word "twelve" in the first line and substituting therefor the word sixteen; so that said paragraph as amended shall read:

The sum of two hundred sixteen thousand dollars is hereby appropriated for the purposes and in the amounts listed below, which purposes include such related improvements, facilities, equipment and furnishings as are necessary to complete the same:

Further amend section 2 by inserting after subsection "1" a new subsection, to be known as (m), as follows:

(m) for the completion of the New Hampshire bird life exhibit situated in the basement of the state house, \$4,000

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles.

Amend section 1 by striking out the first three lines and inserting in place thereof the following:

1. *Motor Vehicles, Maximum Weight of Vehicles Having Two Axles.* Amend section 22 of chapter 103, Public Laws, as amended by chapter 77, Laws of 1927, chapter 33, Laws of 1929, chapter 157, Laws of 1933,

chapter 133, Laws of 1935, chapter 82, Laws of 1937 and chapter 131, Laws of 1939 (section 37, chapter 119, commissioners' report)

On motion of Mrs. Christiansen of Berlin the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed a bill with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 93, An act relative to taking brook trout.

#### **Senate Bill Read and Referred**

Senate Bill No. 93, An act relative to taking brook trout.

Read a first and second time, and referred to the Committee on Fisheries and Game.

On motion of Mr. Nelson of Chesterfield the rules were suspended, printing and reference of the bill was dispensed with.

On motion of the same gentleman the rules were further suspended, the bill made in order for a third reading and final passage, by its title at the present time.

The bill was read a third time and passed, and sent to the Secretary of State to be engrossed.

#### **Resolutions**

Mrs. Brungot of Berlin offered the following concurrent resolution:

#### **Concurrent Resolution**

*Whereas*, We have voted to adjourn this session of the Legislature on Friday, June 13, instant, and

*Whereas*, We have since found that it will be impractical to attempt to accomplish all necessary legislative work by that date, therefore be it

*Resolved*, That we rescind our vote for final adjournment on Friday, June 13, instant, and

*Be it Further Resolved* by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 20, instant, at 5 o'clock in the afternoon, and

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exceptions of such as have been referred to the next Legislature, be indefinitely postponed.

The question being on the concurrent resolution.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

### Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider the vote whereby the House refused to adopt the concurrent resolution.

The question being on the motion to reconsider.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the motion.

Mr. Osborne of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.



On a *viva voce* vote the motion to reconsider did not prevail.

### Resolution

Mr. Lichman of Keene offered the following resolution:

*Whereas*, The House of Representatives has learned with deep regret of the death of Harry F. Lake, prominent attorney, of Concord, therefore be it

*Resolved*, That the sincere sympathy of the membership of this House be extended to the bereaved family, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to the family,

The resolution was unanimously adopted by a rising vote.

Mr. Nash of Concord offered the following resolution:

*Resolved*, That the Clerk be instructed to procure the usual number of copies of the Chaplain's prayers of the session.

On a *viva voce* vote the resolution was adopted.

### Third Readings

On motion of Mr. Guay of Laconia the rules were suspended and the third readings of bills by their titles and joint resolutions by their captions, and a concurrent resolution by its caption made in order.

House Bill No. 319, An act relating to the development of aeronautics.

House Bill No. 437, An act designating for improvement a new defense highway.

House Joint Resolution No. 66, Joint resolution relative to the abolishment of certain grade crossings in the town of Whitefield and Dalton.

House Joint Resolution No. 68, Joint resolution

establishing a committee to study the practice of automobile financing.

Concurrent resolution memorializing the Congress of the United States to enact into law the "National Recovery Act of 1941."

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's Sons.

Senate Bill No. 58, An act to provide for a committee on wood waste utilization.

Senate Bill No. 78, An act providing for special license plates for certain vehicles.

Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct and to incorporate each department.

Senate Joint Resolution No. 3, Joint resolution in favor of Ralph Gallagher.

Severally read a third time and passed and sent to the Senate for concurrence in the amendments.

### Resolution

Mr. Callahan of Keene offered the following resolution:

*Resolved*, That the Liquor Commission be instructed to produce the expenses of the Commissioner's Supply Department, Enforcement and Supervisor of Stores.

The question being on the resolution.

(Discussion ensued)

Messrs. Duncan of Jaffrey and Callahan of Keene spoke in favor of the resolution.

Messrs. Daniels of Ward 1, Manchester, and Comi of Concord and Mrs. Cooper of Nashua spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the resolution.

Mr. Foote of Portsmouth asked for a division.

A division being had 186 members voted in the affirmative and 62 members voted in the negative and the resolution was adopted.

On motion of Mrs. Caron of Manchester at 3:05 o'clock the House adjourned.

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WEDNESDAY, JUNE 11, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

The following letter was read by the Clerk.

Hon. Clifton R. Hayes  
Dover, N. H.

DEAR SIR:

I shall be unable to attend the session today. Will you kindly preside for me and oblige

Yours respectfully,

CHARLES H. BARNARD,  
*Speaker.*

**Leaves of Absence**

Messrs. Sweeney of Ward 2, Nashua, Sullivan of Ward 4, Nashua, Barney of Rumney and Pynn of Meredith were granted leaves of absence for the day on account of important business.

Mr. Simpson of Bartlett was granted leave of absence for the day to attend a funeral.



Mr. Higley of Acworth was granted leave of absence for the day on account of illness.

Mr. Nutter of Rollinsford and Mrs. Brungot of Berlin were granted leaves of absence for Wednesday and Thursday on account of important business.

Messrs. McNeil, Canty, Barrett and Kittredge of Portsmouth, Courchene and Cronin of Dover, Labranche and Rousseau of Newmarket, McGowan of Manchester, Evans of Kingston and Jackson of Dover were granted leaves of absence Thursday on account of important business.

Mr. Getz of Manchester was granted leave of absence Wednesday, Thursday and Friday on account of important business.

Mr. Wilcox of Nashua was granted leave of absence Thursday and Friday on account of important business.

### Committee Reports

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 93, An act relative to taking brook trout.

House Bill No. 208, An act relative to the gross weight of motor vehicles having two axles.

House Bill No. 271, An act relating to sewerage systems in the cities of Concord, Laconia and Portsmouth.

House Bill No. 346, An act establishing a commission to study the problem of establishing a retirement plan for state employees.

House Bill No. 398, An act relative to enforcement of the provisions of the barber law.

House Joint Resolution No. 45, in favor of Fred Bergeron of Keene.

The report was accepted.

Mr. Sawyer of Woodstock, for the Committee on Engrossed Bills, to whom was referred House Bill No. 433, An act relating to liability insurance, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the paragraph numbered III in section 1 of said bill by striking out the word "subsection" in the third line and inserting in place thereof the word, paragraph, and by striking out all of said paragraph after the word "accident" in the seventh line and inserting in place thereof the following: no statement made by the insured or on his behalf, and no violation of exclusions, conditions, other terms or language contained in the policy, and no unauthorized or unlawful use of the vehicle, whether or not a premium charge has been made and paid, shall operate to defeat or avoid the policy so as to bar recovery for such accidents within said limits of liability.

Amend section 3 by adding after the word "line" in the third line the words, the words and by striking out the word "will" in the fourth line and inserting in place thereof the word, shall.

Amend section 4 by striking out the following words and figures "54 of the Laws of 1927 as amended by section 1 of chapter."

Amend section 4-a by renumbering to read section 5 and by striking out the first twenty-seven lines and inserting in place thereof the following:

5. *Policy, Form.* Amend section 16 of chapter 161 of the Laws of 1937 (commissioners' report, chapter 122, section 15) by striking out said section and inserting in place thereof the following: 16. *Policy, Form.*

Amend paragraph VII of section 4 by striking out the word "automobile" and inserting in place thereof the words, motor vehicle.

Amend said bill by renumbering sections 5 and 6 to read sections 6 and 7, respectively.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mrs. Christiansen of Berlin, for the Committee on Transportation, to whom was referred House Bill No. 308 (in new draft), An act relating to motor vehicles carrying passengers for hire, reported the same in second new draft with the recommendation that the bill in its second new draft ought to pass.

The report was accepted and the bill ordered to a third reading.

Miss Hanson of Gilsum, for the Committee on Education, to whom was referred House Bill No. 350, An act establishing a trade school in the city of Manchester, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Osborne of Concord, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 57, Joint resolution making an appropriation for the Bird Life Exhibit at the State House, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter is covered by the capital budget.

The report was accepted and the resolution of the committee adopted.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 446, An act to incorporate Evangel University, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted and the resolution of the committee adopted.

Mr. Pridham of New Castle, for the Committee on Judiciary, to whom was referred Senate Bill No. 38, An act prohibiting supervisors of the checklist from holding certain other city or town offices, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 408, An act regulating aviation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Reconsideration

Mr. Duncan of Jaffrey served notice that he would move to reconsider the vote whereby the House voted inexpedient to legislate, House Bill No. 408, An act regulating aviation.

### Committee Reports

Mr. Riel of Franklin, for the Committee on National Affairs, to whom was referred House Joint Resolution No. 13, Joint resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts, reported the same without recommendation.

The report was accepted.

Mr. Mills of Jaffrey moved that the resolution be adopted.

The question being on the motion of Mr. Mills.

(Discussion ensued)

Messrs. Mills of Jaffrey and Tilton of Ward 4, Laconia, spoke in favor of the motion.

Messrs. Blandin of Bath, Wadleigh of Milford and Duncan of Jaffrey spoke against the motion.

Mr. Wiggin of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Mills.

On a *viva voce* vote the motion did not prevail and the joint resolution was not adopted.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred Senate No. 82, An act to extend the commission on disability benefits, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fogg of Deerfield, for the Committee on Public Improvements, to whom was referred Senate Bill No. 24, An act relative to the Raymond road in the town of Nottingham, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Phelps of Andover, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 444, An act providing for the acceptance of a gift of land from the St. Regis Paper Company and the Connecticut River Power Company for the purpose of a state forest reservation, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hutchins of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 441, An act to repeal charters of certain corporations, re-

ported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after line 131 of the printed bill the following: Hampstead Manufacturing Company, Inc., (Derry 1935).

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 435, An act providing for the appointment of acting officials in certain cases, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the whole and inserting in place thereof the following: 1. *Acting Heads of Departments, etc.* In case the head of any state department or institution, or the member of any state agency, board or commission has entered or is ordered into or enlists in the military or naval services of the United States, in connection with the strengthening of the National Defense in the present emergency, the Governor, with the approval of the Council, may appoint an acting head or member who shall have all the powers, perform all the duties and assume all the responsibilities of the person for whom he is acting; except that the Supreme Court may appoint any such acting members of the State Tax Commission.

2. *Other Officials and Employees.* In case any other official or employee of the state has entered or is ordered into or enlists in the military or naval service of the United States in such emergency, the appointing or employing authority of such official or employee under present law may appoint or employ an acting official or employee who shall have all the powers,



perform all the duties and assume all the responsibilities of such official or employee for whom he is acting.

3. *Termination of Powers, etc.* The powers, duties and compensation of any department head, of any member of a state agency, board or commission, or of any other state official or employee shall temporarily cease upon such entry in the military or naval service of the United States, and the appointment, under authority hereof, of any acting member of any state agency, board or commission shall in no manner be deemed to be an enlargement of the legally prescribed membership of such agency, board or commission.

4. *Term of Office.* The term of office of any person appointed under authority hereof shall end upon the return to state service of the person for whom such person is acting and in any event upon the expiration of the term of office of such person. If such person shall die while in the military or naval service of the United States, the person acting in his absence shall hold office until the vacancy has by law been filled.

5. *Reappointment.* Any member of a state agency, board or commission who is in such military or naval service may be reappointed upon the expiration of his term of office during such service, and an acting member may be appointed in his place under like terms and conditions as herein provided for the appointment of acting officials.

6. *Compensation.* The compensation of any person appointed, under the authority hereof, shall be determined by the same authority as the compensation of the person for whom such person is acting.

7. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule 48.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred Senate Bill No. 79, An act relating to the sale of drugs, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the words, "regulations under", in the twelfth line so that said section as amended shall read as follows: 1. *Dealing in Drugs*. Amend paragraph II of section 43 of chapter 210 of the Public Laws, as amended by section 5 of chapter 123, Laws of 1931, by striking out said paragraph and substituting therefor the following:

II. This shall not prevent the sale of aspirin, whether simple or in mixtures, nor that of compounds of acetanilid or acetphenetidin, except compounds of these with derivatives of barbituric acid, and except when not in proper dosages and with adequate cautionary directions for using, conforming with the federal food, drug and cosmetic act, or when not so conforming, with directions whose adequacy shall be subject to determination by the State Board of Health; nor shall it prevent the sale of other proprietary medicines except those other so-called ethical proprietary medicines of potent character which in their complete form are listed by whatever name in any one of the standard compendiums known as United States Pharmacopoeia, National Formulary and New and Non-Official Remedies, in their latest editions and supplements thereof, and except any compounds or mixtures of said so-called ethical proprietary medicines, or of mixtures or compounds of them with other substances.

The report was accepted.

The bill with the amendment pending was laid upon the table in accordance with Rule 48.

Mr. Bell of Plymouth, for the Committee on Appro-

priations, to whom was referred House Bill No. 434, An act relating to forest fires and their prevention, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 by adding after the word "land" in line 6 the words, except mills chiefly propelled by water power, so that said section as amended shall read as follows:

3. *Mills Registered.* Amend section 55 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 35. *Registraton.* No person shall in any year operate or cause to be operated any portable mill sawing lumber or other mill sawing lumber, in or near woodlands as defined in section 30 of chapter 197 of the Public Laws as inserted by chapter 124 of the Laws of 1935, or where fire may be communicated to such land, except mills chiefly propelled by water power, until said mill shall be registered by the state forestry and recreation commission. Application for registration shall be in writing, giving the name of the owner or owners, the location and type of mill and such other pertinent information as the commission may require. No registration of a portable mill shall be granted until the applicant therefor has furnished a receipt or certificate showing that the taxes assessed thereon for the preceding year have been paid.

Amend section 4 by striking out the word "fifteen" in line 5 and inserting in place thereof the word, ten; further amend by striking out the word "five" in line 6 and inserting in place thereof the word, three, so that said section as amended shall read as follows:

4. *Fees.* Amend section 56 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 56. ———, *Fees.*



Registration shall, in all cases, expire December thirty-first of each year. The fee for such registration shall be ten dollars, unless application is made after October first, in which case the fee shall be three dollars.

Amend section 5 by striking out the word "fifty" in line 9 and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows:

5. *Equipment Required.* Amend section 59 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 59. *Equipment.* All portable steam mills, except when the ground is covered with snow, shall be equipped with a suitable spark arrester to prevent forest fires, and all mills subject to registration hereunder which dispose of mill waste by burning, except when the ground is covered with snow, shall be equipped with incinerators approved by the state forester. All mills subject to registration hereunder shall also be equipped with such fire-fighting equipment as the state forester shall specify, provided the cost thereof does not exceed twenty-five dollars for each mill.

Amend section 6 by adding after the words "sawing lumber" in line 4 the words, except mills chiefly propelled by water power; further amend by adding after the word "sawdust" in line 6 the words, and fuel wood piled in commercial order, so that said section as amended shall read as follows:

6. *Removal.* Amend section 60 of chapter 191 of the Public Laws by striking out said section and inserting in place thereof the following: 60. *Removal of Slash and Storage of Combustibles.* No portable or other mill sawing lumber, except mills chiefly propelled by water power, shall be operated unless the slash caused by wood and timber cuttings and other inflam-

mable material except sawdust and fuel wood piled in commercial order, has been removed for a distance of one hundred feet in all directions from the mill, sawdust pile and incinerator, and unless the sawdust pile is kept not less than twenty-five feet from the incinerator and suitable precautions against fire are taken in the storage and handling of gasoline, fuel oils, and other combustibles.

Amend section 8 by striking out the word "fifty" in line 12 and insert in place thereof the word, ten, so that said section as amended shall read as follows:

8. *Protection Against Fires.* Amend chapter 197 of the Public Laws by adding after section 29 as inserted by chapter 124 of the Laws of 1935 (commissioners' report, chapter 232, section 29) the following new section: 29-a. *Other Precautions.* During periods when woodland is closed, the operation of saw mills and other machine units, except trucks and pleasure motor vehicles, in or near woodland may also be suspended and smoking prohibited. All persons engaged in lumbering operations may be required to furnish sufficient fire guards to patrol areas under operation, to provide sufficient fire-fighting tools which shall be located at convenient places therein, to forbid smoking within such areas and to take all other reasonable precautions to prevent fires. Each day's violation of any such suspension and each day's failure to meet any requirement hereof shall constitute a separate offense for which a fine of ten dollars may be imposed. Unlawful smoking shall be punishable by a fine of ten dollars.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

On motion of Mr. Duncan of Jaffrey, the rules were suspended to allow for the presentation of three com-

mittee reports, which had not previously been advertised in the Journal.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 445, An act authorizing application to the Superior Court by fiduciaries or beneficiaries of trust funds, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Trust Funds.* Amend chapter 317, Public Laws, by inserting after section 3 (section 3, chapter 361, commissioners' report) the following new section: 3-A. *Deviation from Terms of Trust.* In all cases where by reason of a change of circumstances which has occurred, shall occur, or is reasonably foreseeable, subsequent to the creation, heretofore or hereafter, of a trust by any deed, will or other instrument, compliance by the trustee or trustees with the terms of the trust relating to the property or the kinds or classes of property which may be held under the trust, would defeat or substantially impair the accomplishment of the purposes of the trust, the court may, upon the filing by the trustee of a bill in equity for instructions and upon notice to all parties in interest, enter a decree permitting the trustee to deviate from such terms of the trust and directing the trustee, if necessary to carry out the purposes of the trust, to sell all or any part of the property held under the trust and to invest the proceeds of such sale in kinds or classes of property which are lawful investments for trustees of estates. No such decree, after its entry, shall thereafter operate to relieve any trustee of any duty imposed by law relating to the investment of trust funds and the exercise of reasonable care for the preservation thereof. This section shall not be construed to



limit or restrict the general equitable jurisdiction of the court over trustees, trusts or trust funds.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred Senate Bill No. 86, An act relating to regulations for certain sewage systems, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Powers of Mayor and Aldermen.* Amend chapter 95 of the Public Laws by adding after section 4 (section 4, chapter 111, commissioners' report) the following new section: 4-A. *By-Laws and Ordinances.* In cities where the sewage is pumped or treated the mayor and aldermen may adopt such ordinances and by-laws relating to the sewage system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation. Any person wilfully violating such ordinances or by-laws shall be fined not more than ten dollars for each day of violation after written notice to desist has been given.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Joint Committee of the House and Senate, to whom was referred House Bill No. 98, An act to revise, codify and amend the

Public Laws of the State of New Hampshire, reported the same with the following amendments and the recommendation that the bill as amended ought to pass.

Amend said bill as follows:

1. Title I, P. 40, ch. 3, s. 4, line 7: strike out the word "three" and insert in its place the word "five."

2. Title II, P. 46, ch. 10: strike out section 2 and insert in place thereof the following: 2. *Bound Copy*. The secretary of state shall cause to be printed and suitably bound all the acts and resolves of each session of the legislature, with an appropriate index, and such number thereof shall be printed as the governor and council shall approve. Such acts and resolves shall be arranged under their proper classification, numbered consecutively as chapters, beginning with number one and shall be uniform in style and size with the Revised Laws.

3. Title III, P. 61, ch. 17, s. 18, line 5: insert after the words "probate court" the words "a county commissioner".

4. Title IV, P. 68, ch. 22: strike out sections 28 to 32 inclusive and renumber sections 33 to 44 inclusive as 28 to 39 inclusive.

5. Title IV, P. 83, ch. 27, s. 44: strike out said section and insert in place thereof the following: 44. *Emergency Fund*. There shall be an emergency fund consisting of such sums as may be appropriated for that purpose by the general court, which may be expended by the governor, with the consent of the council, to aid any state department in any emergency which may arise, and to protect the interests of the state.

6. Title VI, P. 95, ch. 34: strike out the subdivision

title "Recount of Ballots" and insert in place thereof the subdivision title: "Preservation of Ballots."

7. Title VI, P. 96, ch. 34: insert after section 95 a subdivision title as follows: "Recount of Ballots".

8. Title VI, P. 97, ch. 34, s. 102, line 1: strike out the words "The foregoing provisions" and insert in their place: "Sections 95 to 101, inclusive". Add at the end of said section the words "as provided in section 89."

9. Title VI, P. 97, ch. 34, s. 104, line 1: insert after the word "person" the words "excepting candidates for county offices." Add to the end of said section 104 the following: "All contested elections for county offices shall be determined in accordance with the provisions of chapter 45."

10. Title VI, P. 97, ch. 34, s. 108: add at the end of said section the following: In the case of candidates for town offices, the person receiving such certificate, unless the result is changed upon appeal, shall be the duly elected officer of such town.

11. Title VII, P. 111, ch. 45, s. 14, par. I, line 1: strike out the figure "13" and insert in its place the figure "14".

12. Title VII, P. 113, ch. 47: strike out sections 26 and 27 and renumber sections 28 and 29 as 26 and 27, respectively.

13. Title VIII, P. 122, ch. 51, s. 30, lines 6 and 7: strike out the words "held under the auspices of the Grand Army of the Republic."

14. Title VIII, P. 124, ch. 51, s. 71, line 4: insert the words "and payment" after the word "assessment."



15. Title VIII, P. 124, ch. 51, s. 72, line 4: strike out all after the word "commissioners" in line 4 and insert in place thereof the following: "and the procedure followed by the commissioners as respects notice, assessment and payment of damages, entry and appeal shall, so far as applicable, be the same as that prescribed for the public service commission in the case of taking land by a public utility as provided in sections 1 to 13, inclusive, of chapter 285."

16. Title VIII, ch. 56: strike out the words "city, town or village district" and "city, town or district" wherever they occur in said chapter and insert in place thereof the word "municipality".

17. Title VIII, P. 160, ch. 59, s. 1: strike out all after the word "bond" in line 6 and insert in its place: "as provided in section 42, and in default thereof the office shall be vacant." Strike out the word "six" in line 5 of said section 1 and insert in place thereof the word "thirty."

18. Title VIII, P. 164, ch. 59, s. 23, line 2: strike out the word "six" and insert in place thereof the word "thirty". Strike out all after the word "bond" in line 3 of said section 23 and insert in place thereof the following: "as provided in section 42, and in default thereof the office shall be vacant."

19. Title VIII, P. 165, ch. 59, s. 30, line 4: strike out all after the word "bond" and insert in its place the following: "as provided in section 42, and in default thereof the office shall be vacant."

20. Title IX, P. 200, ch. 78: strike out section 35 and renumber section 36 as section 35.

21. Title IX, P. 227, ch. 89, s. 30, line 4: strike out all after the word "this" and insert in place thereof: "chapter, chapter 87 or of chapter 88."

22. Title X, P. 234, ch. 99, s. 23, line 3: strike out all after the word "department".

23. Title X, P. 236, ch. 100, s. 6, line 6: strike out all after the words "shall be" and insert in place thereof the following: "paid by such city, town or place to the state treasurer; and in default of such payment the state treasurer may issue an extent as provided in chapter 86 for the collection of such payment."

24. Title X, P. 236, ch. 100, s. 7: strike out the words "The tax so added" in line 1 and insert in place thereof: "The amount so collected." Strike out the word "other" in line 3 of said section 7.

25. Title X, P. 241, ch. 100, s. 38, line 6: strike out the words and figures "chapter 100".

26. Title X, P. 241, ch. 100, s. 40, line 4: strike out words and figures "chapter 100" and insert in place thereof the words and figures: "sections 17 and 18".

27. Title X, P. 244, ch. 101, s. 13, line 10: strike out all after the words "per cent" and insert in place thereof the following: "shall be paid by such city, town or place to the state treasurer; and in default of such payment the state treasurer may issue an extent as provided in chapter 86 for the collection of such payment."

28. Title X, P. 253, ch. 111, s. 8, line 1: strike out words and figures "6 and 7" and insert in place thereof the words and figures "5 and 6".

29. Title XI, P. 300, ch. 122, s. 15: insert the word "insurance" before the word "commissioner" in lines 4, 5 and 9 of said section.

30. Title XII, P. 314, ch. 126, s. 6, par. III, line 1:

insert after the word "neglected" the word "dependent".

31. Title XII, P. 315, ch. 126: strike out section 8 and insert in place thereof the following: 8. *Settlement*. No person shall lose or be prevented from gaining a settlement because of receiving old age assistance, aid to the blind, aid to dependent children, or aid to the tuberculous under the provisions of this chapter.

32. Title XII, P. 315, ch. 126, s. 10, line 4: strike out the words "who has no person legally liable for his support."

33. Title XII, P. 316, ch. 126, s. 11: insert the word "needy" after the word "to" in line 1; strike out the word "needy" in line 3 and insert the word "needy" before the word "dependent" in line 3; insert the word "needy" before the word "tuberculous" in line 4.

34. Title XII, P. 316, ch. 126, s. 13, line 8: strike out the word "support" and insert in place thereof the word "resources".

35. Title XIII, P. 344, ch. 135, s. 33, line 10: strike out the figure "4" and insert in place thereof the figure "14".

36. Title XIII, P. 352, ch. 137: strike out section 23 and insert in place thereof the following: 23. *Incorporation by Reference*. Section 23 of chapter 118 of the Public Laws is incorporated by reference as section 23 of chapter 137 of this revision.

37. Title XIII, P. 356, ch. 141, s. 1, line 2: strike out the figure "121" and insert in its place the figure "122".

38. Title XV, P. 365, ch. 145, s. 1, line 3: strike out the words "and one a civil engineer" and insert in



place thereof: "one a civil engineer, and one who shall be neither a physician nor a civil engineer".

39. Title XVI, P. 442, ch. 178: strike out the subdivision title "Protection of Navigation" following section 8. Insert immediately before section 11 a new subdivision title as follows: "Defining Navigable Waters". Strike out section 12 of said chapter and renumber sections 13 to 20 inclusive as sections 12 to 19 inclusive.

40. Title XIX, P. 570, ch. 225: add after section 70 the following new subdivision:

#### Arbor Day

71. *Proclamation.* The governor with the advice and consent of the council may appoint a day annually by proclamation to be designated as Arbor Day, to be observed throughout the state as a day for planting trees, shrubs and vines about homes, along highways and on public lands, thus contributing to the wealth and attractions of the state.

41. Title XX, P. 611, ch. 236, s. 30, par. IV, line 1: strike out word "Lard's" and insert in its place the word "Lord's"; in the same line strike out the word "covered" and insert in its place the word "cement".

42. Title XXII, P. 652, ch. 253, s. 29, line 5: strike out comma after word "creditors" and insert comma after word "purchasers".

43. Title XXIII, P. 667, ch. 257, s. 3, par. IV: strike out the words "property rights and easements therein" and insert in place thereof: "real property and rights and easements therein."

44. Title XXIII, P. 669, ch. 257, s. 8, line 17: strike out the words "the court, in proper" and insert in their place the words "the court, on proper".

45. Title XXIII, P. 683, ch. 258, s. 53: add at the end of said section the following: The procedure and remedies prescribed in this subdivision are supplemental to those prescribed in chapter 256 and shall not be limited by that chapter.

46. Title XXIV, P. 697, ch. 265, s. 1, line 8: strike out the word "means" and insert in its place the word "mean".

47. Title XXIV, P. 698, ch. 265, s. 10, line 8: strike out the words "or organization" and insert in their place the words "of organization".

48. Title XXIV, P. 713, ch. 265, s. 104, line 3: insert after the words "public service commission" the words "or the insurance commissioner."

49. Title XXV, P. 730, ch. 280: strike out section 21 of chapter 280 as incorporated by reference and insert in place thereof the following: 21. *Public Utilities*. No public utility shall commence its business as such within this state, or shall engage in such business, or begin the construction of a plant, line, main or other apparatus or appliance to be used therein, in any town in which it shall not already be engaged in such business, or shall exercise any right or privilege under any franchise not theretofore actually exercised in such town, without first having obtained the permission and approval of the commission.

50. Title XXV, P. 736, ch. 283, s. 21, line 4: insert after the word "conditions" the words "consistent with the public good".

51. Title XXV, P. 748, ch. 290, s. 39, line 6: strike out the word "many" and insert in its place the word "may".

52. Title XXVII, P. 824, ch. 313, s. 1, par. II, line 5:

insert after the words "motor vehicles" the words "and aircraft".

53. Title XXVII, P. 837, ch. 318, s. 2, line 8: strike out the word "ensure" and insert in its place the word "enure".

54. Title XXXI, P. 918, ch. 367, s. 5, line 5: strike out figure "429" and insert in its place the figure "430".

55. Title XXXVI, P. 964, ch. 427, s. 6, lines 2 and 3: strike out the words "or demand" and insert in their place the words "on demand".

56. Title XXXVI, P. 964, ch. 427, s. 7: add the following new sentence at the end of said section: "The warrant must substantially recite the facts necessary to the validity of its issuance."

57. Title XXXVI, P. 968, ch. 427, s. 24, line 5: strike out the figure "39" and insert in its place the figure "38".

58. Title XXXVI, P. 970, ch. 428, s. 2, line 18: strike out the word "requiried" and insert in its place the word "required".

59. Title XL, P. 1013, ch. 455, s. 14, line 3: insert after the word "excepting" the words "acts of the present session of the general court".

60. Title XL, P. 1014, ch. 455: add the following new section after section 14: 15. *Amendment, Incorporation.* This act is enacted subject to all other acts of the present session of the general court in amendment or repeal of the Public Laws of 1926 or of the public acts enacted since the year 1925; and this act, for the purposes of construction, shall be deemed to have been enacted prior to all other acts of the pres-



ent session of the general court. All other public acts of the present session of the general court shall be included in and made a part of the Revised Laws in accordance with the provisions of an act of the present session of the general court entitled "An Act to provide for the publication and distribution of the Revised Laws of the State of New Hampshire." All provisions of the Public Laws of 1926 which have been incorporated by reference in this act shall be deemed to be re-enacted in the Revised Laws.

61. Title XL, P. 1013, ch. 455, s. 14, line 4: insert after the word "places" the words "including counties".

62. Title XVI, P. 429, ch. 168, s. 28, line 1: strike out the figure "436" and insert in its place the figure "437".

63. Title XVI, P. 443, ch. 178, s. 20, line 2: strike out the words "waiver or" and insert in their place the words "waiver of".

64. Title XVII, P. 460, ch. 185, s. 3: strike out all in said section after the words "hawkers or peddlers" in lines 2 and 3.

65. Title XVII, P. 463, ch. 188, s. 50, line 1: strike out the word "hereof" and substitute in its place the words "of this subdivision".

66. Title XVIII, P. 511, ch. 209, s. 28: in line 3 strike out the figure "138" and insert in its place the figure "137"; also strike out the words "under eighteen years of age" in said section.

67. Title XVIII, P. 520, ch. 211, s. 4, par. F, line 1: insert after the word "week" the words "or part of a week".

68. Title XX, P. 587, ch. 231, s. 18, par. VIII:

strike out the period at the end of said paragraph and insert in its place a semi-colon.

69. Title XX, P. 611, ch. 236, s. 29: strike out paragraph VII and renumber paragraphs VIII and IX as VII and VIII.

70. Title XX, P. 612, ch. 236, s. 30: strike out paragraph XI and renumber paragraphs XII to XVIII, inclusive, as XI to XVII, inclusive.

71. Title XX, P. 623, ch. 238, s. 11, line 5; strike out the figure "431" and insert in its place the figure "432".

72. Title XXVI, P. 797, ch. 304, s. 37: strike out the roman numeral "V" in line 12 of said section and insert in its place the roman numeral "IV".

73. Title XIX, P. 567, ch. 225, s. 34, line 4: insert after the words "No person" the words "shall kindle or cause to be kindled any fire or".

74. Title XIX, P. 568, ch. 225, s. 36, line 4: insert after the first word "woodlands" the words "as defined in section 30 of chapter 232"; and insert before the second word "woodlands" the word "such".

75. Title XIX, P. 568, ch. 225: strike out section 37 of said chapter and insert in its place the following new section: 37. *Penalties*. Any person violating any provision of section 34 shall be fined not more than two hundred dollars, or imprisoned not more than sixty days; and any person who causes or kindles a fire by any means, wilfully or recklessly, which shall endanger woodland as described in section 34 (b) shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

76. Title XIX, P. 580, ch. 230, s. 1, line 1: insert

after the words "purpose of" the word "constructing." Strike out the word "the" after the word "operating" in said line 1 and insert in its place the word "an".

77. Title XXXVII, P. 985, ch. 438, s. 6, line 1: insert after the word "prevent" the words "the selectmen of".

The bill with the amendments pending was laid upon the table for the printing of the amendments in accordance with Rule No. 48.

On motion of Mr. Wiggin of Manchester, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 69, Joint resolution in favor of the estate of Patrick E. Kane, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Wiggin of Manchester moved that the rules be suspended, that the printing and reference to a committee of House Joint Resolution No. 69, Joint resolution in favor of the estate of Patrick E. Kane be dispensed with and that the resolution be put upon its third reading and final passage at the present time.

The question being on the motion of Mr. Wiggin.

(Discussion ensued)

Mr. Wiggin of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.



The joint resolution was then read a third time and passed and sent to the Senate for concurrence.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for a commission to study the proposal of an aerial tramway on Mt. Sunapee in the town of Newbury and other recreational facilities.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Commission.* The governor with the advice and consent of the council shall appoint a commission of five members to study the proposal of an aerial tramway on Mt. Sunapee in the town of Newbury and other recreational facilities within the state area. The members of said commission shall serve without compensation or allowance for expenses.

2. *Assistance.* The state planning and development commission is hereby authorized and directed to cooperate with the commission hereby established and to furnish such assistance to said commission in the studies made by it as said planning commission may be able to furnish. The commission established by this act may call upon any other state agency for information and assistance.

3. *Report.* Said commission shall make a report to the next session of the legislature with its recom-

mendations and findings, including any legislation which it deems desirable to have enacted.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Osborne of Sunapee moved that the amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Osborne of Sunapee, Betley of Manchester, Condon of Newport, Gay of Hillsborough, and Tilton of Ward 4, Laconia, spoke in favor of the motion.

Messrs. Daniels of Ward 1, Manchester, Pennell of Exeter, Grinnell of Derry and Hunter of Hanover spoke against the motion.

Mr. Chase of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone the amendment.

Mr. Osborne of Sunapee asked for a division.

A division being had, 121 members voted in the affirmative and 119 members voted in the negative, and less than two-thirds of the members elected being present and voting and less than two-thirds of those present and voting, having voted neither in the affirmative nor negative, no valid action was taken and the bill with the amendment pending went into unfinished business.

Mr. Bell of Plymouth, for the Committee on Appro-

priations, to whom was referred House Bill No. 217 (in new draft and new title), An act relating to the conservation of soil and soil resources and the prevention and control of soil erosion, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution reported by the committee.

Mr. Hunter of Hanover moved that the bill and the accompanying report be laid upon the table and made a special order for Thursday, June 12, at 11:01 o'clock.

The question being on the motion of Mr. Hunter.

On a *viva voce* vote the motion prevailed.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 405 (in new draft), An act relating to income from motor vehicle road tolls, reported the same with the amendment as printed in the Journal of June 10, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Peever of Salem, for the Committee consisting of the delegation from the county of Rockingham, to whom was referred House Bill No. 447, An act relating to the salaries of the commissioners of the county of Rockingham, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Committee of Conference

Mr. Tilton of Ward 3, Laconia, for the Committee of Conference, to whom was referred House Joint Resolution No. 3, Joint resolution in memory of Frank-



lin Pierce, having considered the same, reported the same with the recommendation that the Senate recede from its position in adopting its amendments and that the House recede from its position of non-concurrence and that the Senate and House adopt the following resolution:

*Resolved, That it is inexpedient to legislate.*

ELMER S. TILTON,  
ROBERT W. POTTER,  
HARRY D. SAWYER,  
*Conferees on the Part of the House.*

CHARLES W. HOWARD,  
ARTHUR J. REINHART,  
*Conferees on the Part of the Senate.*

On motion of Mr. Wiggin of Manchester the House adopted the report of the Committee of Conference.

#### **Message from the Senate**

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 271, An act relating to sewerage systems.

House Bill No. 346, An act establishing a commission for studying the problem of establishing a retirement plan for state employees.

House Bill No. 398, An act relative to enforcement of the provisions of the barber law.

House Bill No. 440, An act to legalize the annual meetings, 1940 and 1941, in the town of Jefferson.

House Joint Resolution No. 45, Joint resolution in favor of Fred Bergeron of Keene.

The message further announced that the Senate

concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 421, An act relative to the retirement system for firemen.

Amend said bill by inserting after section 15 the following new section: 16. *Exemption; Exceptions.* Amend section 15 of said chapter 154 by striking out said section and inserting in place thereof the following: 15. *Exemption; Exception.* The payments made by permanent firemen to the retirement board and the benefits or compensation received under this act shall be exempt from taxation, attachment and the operation of laws relating to insolvency or bankruptcy. No assignment or compensation due under this act shall be valid unless approved by the board. No claim for total and permanent disability under this act shall be valid unless such disability shall be immediate and continuous from the date of injury received in line of duty.

Further amend said bill by renumbering section 16 to read section 17.

On motion of Mr. Potter of Concord, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 430, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1943.

Amend said bill by adding after total Highway Department the following:

The above appropriation for the Highway Department shall be for the fiscal year ending January 31, 1943.

Further amend by striking out all of the paragraph relating to the 'New Hampshire Soldier's Home.

Further amend in the paragraph for Barber's Board by striking out the figures \$880, and inserting the figures \$830, and by striking out the figures \$4,467 and inserting the figures \$4,417.

Further amend said bill in paragraph for Board of Registration of Funeral Directors and Embalmers by striking out the figures \$2,375 and inserting the figures \$1,375, and by striking out the figures \$5,460 and inserting the figures \$4,460.

Further amend in the paragraph for Board of Registration in Chiropody by striking out the figures \$461 and inserting the figures \$361.

Further amend in the paragraph for Board of Registration in Medicine by striking out the figures \$960 and inserting the figures \$560, and by striking out the figures \$1,712 and inserting the figures \$1,312.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments, sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 431, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1942.

Amend said bill by adding after total Highway Department the following:

The above appropriation for the Highway Department shall be for the fiscal year ending January 1, 1942.

Further amend by striking out all of the paragraph relating to the New Hampshire Soldiers' Home.

Further amend in the paragraph for Board of Registration of Funeral Directors and Embalmers by striking out the figures \$2,265. and inserting the



figures \$1,265., and by striking out the figures \$5,265. and inserting the figures \$4,265.

Further amend in the paragraph for Board of Registration in Chiropody by striking out the figures \$457. and inserting the figures \$357.

Further amend in the paragraph for Board of Registration in Medicine by striking out the figures \$960. and inserting the figures \$560., and by striking out the figures \$1,778. and inserting the figures \$1,378.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments, sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 59, An act relating to exemptions from taxation.

Amend section 1 by striking out said section and inserting in place thereof the following:

1. *Property Taxation.* Amend section 22 of chapter 60 of the Public Laws, as amended by chapter 4, Laws of 1930 (section 23, chapter 73, commissioners' report) by striking out said section and inserting in place thereof the following: 22. *Institutional Exemptions.* The personal property of institutions devoted to educational purposes, charitable and religious societies, and of temperance societies, incorporated or organized within this state, and the real estate owned and occupied by them, their officers, or their students for the purposes for which they are established, parsonages occupied by pastors of churches, and per-

sonal property owned and real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, or the American National Red Cross, shall be exempt from taxation, provided none of the income or profits of the business of such corporations or institutions is divided among the stockholders or members, or is used or appropriated for other than educational, charitable or religious purposes. No institution shall be deemed an educational institution for the purpose hereof unless it conducts regular courses of instruction, under a curriculum approved by the state board of education, for at least six months of each calendar year; and no institution, except it be a regularly recognized and constituted denomination, sect, or creed, shall be deemed a religious institution for the purpose hereof, unless it conducts religious services in this state for at least six months of each calendar year. This limitation, however, does not apply to property of any institution or organization exempted from taxation by special act of the legislature.

Amend section 2 by striking out the first three lines and inserting in place thereof the following:

2. *Application of Provisions.* Amend section 25-a of chapter 60, Public Laws, as inserted by chapter 148, Laws of 1931, and amended by chapter 175, Laws of 1937 (section 27, chapter 73, commissioners' report) by adding after the word "Legion" the words, the American Red Cross.

On motion of Mr. Guay of Laconia, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 329, An act relating to non-resident privileges.

Amend section 1 by striking out said section and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 100 of the Public Laws by inserting after section 23 (section 31, chapter 116, commissioners' report) the following new section: 24. *Vehicles Carrying Farm Products.* Provided like privileges are found by the commissioner to be granted to residents of this state a non-resident who has complied with the laws of his state, district or country relating to registration and licensing of motor vehicles may operate without registration upon the ways of this state a motor vehicle used by him for carrying any farm products grown or raised upon his own farm and the restrictions as to twenty-day use as provided in section 22 hereof shall not apply to such vehicles.

On motion of Mr. Atherton of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 368, An act relating to the practice of hairdressing and manicuring.

Renumber section 2-a to read 3 and renumber the succeeding sections to correspond.

On motion of Mr. Neal of Meredith the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Amend said bill by striking out the first three lines thereof and inserting in place thereof the following:

House Bill No. 423, An act relating to unincorporated societies and lodges.



1. *Fraternal Organizations.* Amend chapter 223 of the Public Laws (chapter 263, commissioners' report) by adding at the end thereof the following new subdivision: Fraternal Organizations

12. *Holding Property.* Unincorporated societies or

Further amend said bill by striking out the number 2b and inserting in place thereof the figure 13.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 429, An act providing a deficiency appropriation for certain state departments.

Amnd said bill by adding at the end of section 1 the following:

The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate refused to concur with the House of Representatives in its amendments to Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct and to incorporate each department and asked for a committee of conference and the President has appointed as a part of such committee Senators Page, Perley, and Marcoux.

On motion of Mr. Osborne of Sunapee the House acceded to the request of the Honorable Senate in its request for a Committee of Conference and the Speaker

appointed as members on such committee on the part of the House, Messrs. Matson of Concord, Atherton of Nashua, Clark of Canaan, Duncan of Jaffrey and Chandler of Gorham.

### Resolutions

Mr. Callahan of Keene offered the following resolution :

*That* the clerk be instructed to have the following report of expenditures and salaries of the personnel of the Liquor Commission printed in the Journal of today.

*On a viva voce* vote the resolution was adopted.

### STATE LIQUOR COMMISSION EMPLOYEES

#### Auditing and Supply Division

##### *Auditing*

Name	Address	Salary	Veteran
Clayton F. Colbath,	Concord	\$3,000.00	No
Clifton Dunlap,	Concord	1,950.00	No
Wilfred Lavalliere,	Manchester	2,150.00	No
William Aiken,	Newport	1,950.00	Yes
James Healey,	Manchester	1,950.00	No
Patrick Mullin,	Manchester	1,950.00	Yes

##### *Supply*

Joseph Sandquist,	Concord	1,925.00	No
Samuel Matson,	Concord	1,760.00	Yes
Carl Hyldborg,	Concord	1,550.00	No
Robert Gorham,	Concord	1,300.00	No

#### Enforcement Division

James J. Reen,	Suncook	3,500.00	No
Arthur Beaudet,	Manchester	1,820.00	No

Name	Address	Salary	Veteran
Octave Carbonneau, Exeter		1,820.00	No
William Gibbs, Rochester		1,820.00	No
John Nute, Littleton		2,750.00	Yes
Oscar Steward, Seabrook		2,080.00	Yes
Austin Ellingwood, Portsmouth		2,080.00	No
George Eames, Keene		2,080.00	No
John Jordon, Manchester		1,680.00	Yes
Albert Kimball, Center Ossipee		1,820.00	No
Thomas McGrevey, Manchester		2,200.00	No
Robert Ramsey, Berlin		2,200.00	No
Esther Francoeur, Nashua		1,040.00	No
John Emerson, Rochester		1,820.00	No
Oliver Philbrick, Portsmouth		1,820.00	Yes
Horace Brouillette, Manchester		2,080.00	No
Herbert Duling, Wendell		1,680.00	Yes
Harry Salvail, Hudson		1,820.00	Yes
Maurice Fitzgerald, Manchester		2,080.00	No
John Kane, Manchester		1,820.00	Yes
J. Levi Meader, Gonic		1,820.00	No
Lewis Farmer, Manchester		1,680.00	No
Ernest Bond, Manchester		1,820.00	No
Henry Cogswell, Henniker		1,820.00	Yes
Claude Foster, Lakeport		2,080.00	Yes
Lester Mitchell, Campton		1,820.00	No
Edward Sullivan, Claremont		1,820.00	No
Emil Bozek, Nashua		1,820.00	No
Allie Cavanaugh, Manchester		1,248.00	No

#### General Office

Robert J. Hart, Concord	\$3,000.00	No
Anna G. Nylen, Concord	1,900.00	No
Katherine Coughlin, Concord	1,225.00	No
Eliane Couture, Concord	1,375.00	No
Amos Phelps, Concord	2,150.00	No
Philip Pike, Concord	2,150.00	No



Name	Address	Salary	Veteran
Gladys Ray,	Concord	1,800.00	No
Ruth Armington,	Concord	1,400.00	No
Beatrice Colby,	Concord	1,275.00	No
Thomas Edwards,	Concord	2,150.00	Yes
Mary Mannion,	Concord	1,375.00	No
Louise Roy,	Concord	1,375.00	No
Ruth Stoddard,	Hopkinton	1,375.00	No
Mae Bamford,	Concord	1,375.00	No
Mildred Sebra,	Penacook	1,225.00	No
Ruby Hill,	Concord	1,225.00	No
Mary O'Brien,	Concord	1,175.00	No
Natalie Merriam,	Concord	1,375.00	No
Margaret Crosby,	Concord	1,100.00	No
Elizabeth Genini,	Concord	1,025.00	No
Elizabeth Smith,	Loudon	1,050.00	No
Mary Harrison,	Concord	1,100.00	No
Alexander Munton,	Concord	1,800.00	No
Dorothy Sillery,	Penacook	1,050.00	No
Beatrice Desrosiers,	Penacook	1,050.00	No
Rosanna Gagnon,	Manchester	775.00	No
Mary Collins,	Manchester	875.00	No
Marie Bertolami,	Concord	875.00	No
Alice Murphy,	Manchester	1,200.00	No
Helene Hinchey,	Concord	875.00	No

#### Store Supervision

Jules E. Vuilleumier,	Manchester	3,000.00	No
Charles Baker,	Manchester	2,080.00	No

#### Warehouse Division

Roger Humbert,	Concord	3,000.00	Yes
Fred Bibeau,	Concord	1,600.00	No
Arthur Green,	Concord	2,075.00	Yes
Herbert Johnson,	Penacook	1,600.00	No
Albert Kelley,	Manchester	1,550.00	Yes

Name	Address	Salary	Veteran
Charlotte Godin, Manchester		1,200.00	No
Albert Cadarette, Concord		1,500.00	Yes
Wilfred Boisvert, Concord		1,500.00	No
Nicholas Faretra, Concord		1,430.00	No
Willis Eldridge, Concord		1,430.00	No
John Paveglio, Concord		1,430.00	No
Leo Boisvert, Manchester		1,430.00	No
Edward Bonner, Manchester		1,430.00	No
John Larkin, Concord		1,300.00	No
Frank Steel, Concord		1,300.00	No
James Pappas, Manchester		1,430.00	No
Mabel Warburton, Manchester		780.00	No

**Store No. 1**

Arthur Knowlton, Concord	1,950.00	No
William Willett, Concord	1,560.00	Yes
Armand St. Onge, Concord	1,560.00	No
Louis Savaria, Concord	1,560.00	No
George Theodorou, Concord	1,560.00	No
Edmund Nolan, Jr., Concord	1,560.00	No

**Store No. 2**

Edward Smith, Manchester	1,950.00	Yes
John Kearney, Manchester	1,560.00	No
Hector Brunelle, Manchester	1,560.00	Yes
Thomas Pelletier, Manchester	1,560.00	No
John Clark, Manchester	1,560.00	No
Ray Doane, Manchester	1,560.00	No
Edward O'Dea, Manchester	1,560.00	No

**Store No. 3**

Hector Vincent, Manchester	1,950.00	No
Walter Miller, Manchester	1,560.00	No
Armand Laberge, Manchester	1,560.00	No
Joseph Gelb, Manchester	1,560.00	No
Louis Goode, Manchester	1,560.00	No

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Name	Address	Salary	Veteran
<b>Store No. 4</b>			
William O'Brady,	Nashua	1,950.00	No
Arthur Pierce,	Nashua	1,560.00	Yes
William Mulligan,	Nashua	1,560.00	Yes
Raymond Belanger,	Nashua	1,560.00	No
Charles Lear,	Nashua	1,560.00	No
<b>Store No. 5</b>			
Leo King,	Berlin	1,950.00	No
Paul Collins,	Berlin	1,560.00	Yes
Armand Richards,	Berlin	1,560.00	No
Harry Hazzard,	Berlin	1,560.00	No
Raymond Oleson,	Berlin	1,560.00	Yes
<b>Store No. 6</b>			
Willard Howe,	Portsmouth	1,950.00	No
Charles Costello,	Portsmouth	1,560.00	No
Thomas O'Leary,	Portsmouth	1,560.00	No
George Bridle,	Portsmouth	1,560.00	No
Albert Bauer,	Portsmouth	1,560.00	Yes
Charles Eastman,	Portsmouth	1,560.00	No
<b>Store No. 7</b>			
Walter Lang,	Littleton	1,950.00	No
John Parent,	Littleton	1,560.00	No
George Perry,	Littleton	1,560.00	Yes
<b>Store No. 8</b>			
Raymond Eggleston,	Claremont	1,950.00	Yes
Edward Deery,	Claremont	1,560.00	No
George Fortin,	Claremont	1,560.00	Yes
<b>Store No. 9</b>			
Harry Hussey,	Dover	1,950.00	No
Joseph Marcotte,	Dover	1,560.00	No



Name	Address	Salary	Veteran
Harold McEwan,	Dover	1,560.00	Yes
Harry Pray,	Dover	1,560.00	No
Robert Keefe,	Dover	1,560.00	No
Fred Cater,	Dover	1,560.00	Yes

**Store No. 10**

Michael Thornton,	Manchester	1,950.00	No
Frank Biron,	Manchester	1,560.00	No
Leo Quinn,	Manchester	1,560.00	No
George Caron,	Manchester	1,560.00	Yes
Joseph Connelly,	Manchester	1,560.00	Yes
William Devan,	Manchester	1,560.00	No
George Clark,	Manchester	1,560.00	No
Henry Tracy,	Manchester	1,560.00	No

**Store No. 11**

Harold Morse,	Lebanon	1,950.00	Yes
Edwin Curtiss,	Lebanon	1,560.00	Yes
Carroll Jackson,	Lebanon	1,560.00	No

**Store No. 12**

Ralph Hall,	Lakeport	1,950.00	No
Lucien Levasseur,	Laconia	1,560.00	Yes
Harry Dickson,	Laconia	1,560.00	Yes
Earle Seaverns,	Laconia	1,560.00	Yes
Morell MacKenzie,	Laconia	1,560.00	No

**Store No. 13**

Peter Tremblay,	Somersworth	1,950.00	No
William Gahagan,	Somersworth	1,560.00	No
Peter Paradis,	Somersworth	1,560.00	No

**Store No. 14**

Edward Rumazza,	Rochester	1,950.00	Yes
George Lenzi,	Rochester	1,560.00	No

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Name	Address	Salary	Veteran
Henry Vachon,	Rochester	1,560.00	Yes
Edward Joblonski,	East Rochester	1,560.00	Yes

**Store No. 15**

Arthur Richardson,	Keene	1,950.00	No
Guy Bailey,	Keene	1,560.00	Yes
Carl Sawyer,	Keene	1,560.00	No
Ralph Bissell,	Keene	1,560.00	No
Frederick Gober,	Keene	1,560.00	Yes

**Store No. 16**

George Hood,	Woodsville	1,950.00	No
Henry Wright,	Woodsville	1,560.00	Yes

**Store No. 17**

Raymond Clark,	Franklin	1,950.00	No
Wilfred Routhier,	Franklin	1,560.00	Yes
Sears Fuller,	Franklin	1,560.00	Yes

**Store No. 18**

Roland Smith,	Colebrook	1,950.00	No
Henry Leavitt,	Colebrook	1,560.00	No

**Store No. 19**

Harold Greeley,	Plymouth	1,950.00	Yes
Guy Spaulding,	Plymouth	1,560.00	No
Earl Avery,	Plymouth	1,560.00	No

**Store No. 20**

George Currier,	Derry	1,950.00	No
William McCarthy,	Derry	1,560.00	No
Oliver Martin,	Derry	1,560.00	Yes

**Store No. 21**

Guy Hersey,	Peterborough	1,950.00	No
James Waite,	Peterborough	1,560.00	Yes

Name	Address	Salary	Veteran
<b>Store No. 22</b>			
Jules Paradis,	Greenville	1,950.00	Yes
Victor Fournier,	Greenville	1,560.00	Yes
<b>Store No. 23</b>			
Wallace Sanphy,	North Conway	1,950.00	No
Philip Davis,	Conway	1,560.00	No
Philip Schoolcraft,	Conway	1,560.00	No
<b>Store No. 24</b>			
Charles Fryer,	Newport	1,950.00	No
Charles Aiken,	Newport	1,560.00	Yes
Leon Colby,	Newport	1,560.00	No
<b>Store No. 25</b>			
Reginald Stevenson,	Exeter	1,950.00	Yes
Ernest Bretschneider,	Exeter	1,560.00	No
Norman Smith,	Exeter	1,560.00	No
<b>Store No. 26</b>			
Harold Jackson,	Groveton	1,950.00	Yes
Melroy Hayes,	Groveton	1,560.00	No
<b>Store No. 27</b>			
John Nolan,	Nashua	1,950.00	Yes
Henry Hall,	Nashua	1,560.00	Yes
Henry Dion,	Nashua	1,560.00	No
Maurice O'Brien,	Nashua	1,560.00	Yes
Albert Tyler,	Nashua	1,560.00	Yes
<b>Store No. 28</b>			
Oscar Fontaine,	Suncook	1,950.00	No
William Smith,	Pembroke	1,560.00	Yes



Name	Address	Salary	Veteran
<b>Store No. 29</b>			
Milton Colbath,	Whitefield	1,950.00	No
Rosario Greenwood,	Whitefield	1,560.00	Yes
<b>Store No. 30</b>			
Charles Robinson,	Milford	1,950.00	No
Mario Bianchi,	Milford	1,560.00	Yes
Ralph Woodman,	Milford	1,560.00	Yes
<b>Store No. 31</b>			
Francis Foye,	Manchester	1,950.00	Yes
John Harlan,	Manchester	1,560.00	No
Dennis Casey,	Manchester	1,560.00	No
Arthur Laforge,	Manchester	1,560.00	Yes
<b>Store No. 32</b>			
Reino Paananen,	Concord	1,950.00	No
Charles Sargent,	Penacook,	1,560.00	Yes
<b>Store No. 33</b>			
Arthur Healy,	Manchester	1,950.00	No
Fred Wenzel,	Manchester	1,560.00	Yes
Thomas Keane,	Manchester	1,560.00	No
Charles Richardson,	Manchester	1,560.00	No
<b>Store No. 34</b>			
Leon Ellard,	Salem	1,950.00	Yes
Howard Evans,	Salem	1,560.00	Yes
Franklin Joy,	Salem Depot	1,560.00	No
William Barron,	Salem	1,560.00	No
<b>Store No. 35</b>			
Bernard Webber,	Hillsboro	1,950.00	Yes
George Vaillancourt,	Hillsboro	1,560.00	No

Name	Address	Salary	Veteran
<b>Store No. 36</b>			
James Fitzgerald,	East Jaffrey	1,950.00	No
Joseph Donahue,	East Jaffrey	1,560.00	Yes

**EXPENSES PAID CALENDAR YEAR 1940**

Name	Address	Expense
John F. Adams,	55 Columbus Avenue, Exeter	\$1,713.05
William F. Aiken,	129 Laurel Street, Newport	1,486.80
Charles M. Baker,	875 Chestnut Street, Manchester	252.00
Arthur J. Beaudet,	334 Rimmon Street, Manchester	989.11
Ernest H. Bond,	92 Market Street, Manchester	1,170.92
Emil T. Bozek,	121½ Prospect Street, Nashua	635.96
Horace J. Brouillette,	673 Pine Street, Manchester	1,616.66
Octave N. Carbonneau,	7 Prospect Street, Exeter	1,804.65
James D. Cash,	782 Beech Street, Manchester	1,274.16
Henry W. Cogswell,	Henniker	1,180.30
Clayton F. Colbath,	Dunklee Street, Concord	280.60
Herbert Duling,	Sunapee Depot	1,212.09
Clifton S. Dunlap,	9 Holt Street, Concord	1,375.25
George H. Eames,	14 Monadnock Street, Keene	1,684.82
Austin Ellingwood,	1283 Woodbury Street, Portsmouth	1,968.40
John Emerson,	215 North Main Street, Rochester	1,322.45

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Name	Address	Expense
Lewis G. Farmer,	516 East High Street, Manchester	914.10
Maurice Fitzgerald,	168 Laurel Street, Manchester	186.17
Claude W. Foster,	101 Franklin Street, Lakeport	1,619.85
Esther Francoeur,	294 Main Street, Nashua	1,157.16
William H. Gibbs,	34 Academy Street, Rochester	948.17
James C. Healey,	167 Myrtle Street, Manchester	768.95
John S. Hurley,	95 North Adams Street, Manchester	353.77
William A. Jackson,	37 Webster Street, Nashua	242.99
John P. Jordon,	64 Dearborn Street, Manchester	921.89
John F. Kane,	411 Amherst Street, Manchester	895.25
Albert E. Kimball,	Center Ossipee	1,646.10
Wilfred Lavalliere,	495 Rimmon Street, Manchester	1,140.85
Ronald J. MacDougall,	87 Merrimack Street, Berlin	1,050.04
William E. McCarty,	10 Maple Street, Derry	537.26
Thomas F. McGrevey,	23 Alfred Street, Manchester	1,394.34
J. Levi Meader,	Gonic	1,600.16
Lester Mitchell,	Plymouth	1,664.00
Patrick J. Mullen,	352 Pearl Street, Manchester	524.55
John B. Nute,	11 Highland Avenue, Littleton	1,844.79
Charles T. Patten,	30 Union Street, Concord	408.35



Name	Address	Expense
Oliver P. Philbrick,	Lafayette Road,	
	Portsmouth	1,252.58
Russell J. Pollard,	53 South Mast Street,	
	Goffstown	725.40
Robert P. Ramsey,	360 Willard Street,	
	Berlin	1,769.56
James J. Reen,	Suncook	514.61
Edwin S. Ross,	Sunapee	1,089.88
Henry E. Salvail,	47 Ferry Street, Hudson	1,027.01
Joseph F. Sandquist,	78 Warren Street,	
	Concord	377.20
Cornelius B. Spaulding,	721 Beech Street,	
	Manchester	192.35
Oscar B. Steward,	Seabrook	1,878.80
Edward A. Sullivan,	42 Myrtle Street,	
	Claremont	1,199.10
Jules E. Vuilleumier,	995 Union Street,	
	Manchester	1,618.02
		<hr/> \$51,430.47

### Resolution

Mr. Holden of Hanover offered the following resolution:

*Whereas*, this House has learned with sorrow of the passing of Frank B. Williams of Portland, Me., a brother-in-law of Scott C. W. Simpson, therefore be it

*Resolved*, That the Speaker appoint a committee of five to draw up suitable resolutions.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had passed a bill with the

following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 44, An act relative to ward 14 in the city of Manchester.

### **Senate Bill Read and Referred**

Senate Bill No. 44, An act relative to ward 14 in the city of Manchester.

Read a first and second time and referred to the Committee on Judiciary.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 5, Joint resolution opposing the St. Lawrence Seaway project.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 5, Joint resolution opposing the St. Lawrence Seaway project.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### **Third Readings**

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of bills by their titles made in order.

House Bill No. 308 (in new draft), An act relating to motor vehicles carrying passengers for hire.

House Bill No. 350, An act establishing a trade school in the city of Manchester.

House Bill No. 405 (in new draft), An act relating to income from motor vehicle road tolls.

House Bill No. 441, An act to repeal charters of certain corporations.

House Bill No. 444, An act providing for the acceptance of a gift of land from the St. Regis Paper Company and the Connecticut River Power Company for the purpose of a state forest reservation.

House Bill No. 447, An act relating to the salaries of the commissioners of the county of Rockingham.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 86, An act relating to regulations for certain sewage system.

Read a third time and passed and sent to the Senate for concurrence in the amendments.

Senate Bill No. 82, An act to extend the commission on disability benefits.

Senate Bill No. 24, An act relative to the Raymond road in the town of Nottingham.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Osborne of Sunapee at 2:00 o'clock the House adjourned.

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#### THURSDAY, JUNE 12, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

#### Leaves of Absence

Mrs. Dondero of Portsmouth, Messrs. Leighton and Keenan of Dover, Lord of Gilford, Sturtevant and Brunel of Concord, Delisle, Sullivan, Mahoney and Lesmerises of Manchester, Guay of Lebanon, Morse of Warren, Hayes, Hinchey and Studd of Berlin were granted leaves of absence for the day on account of important business.



Mr. Healey of Manchester was granted leave of absence for Tuesday, June 10, on account of illness.

Mr. Ackroyd of Dover was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's sons.

Senate Bill No. 58, An act to provide for research on wood waste utilization.

House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver.

House Bill No. 219, An act relating to the use of commercial motor vehicles.

House Bill No. 368, An act relative to the practice of hairdressing and manicuring.

House Bill No. 429, An act providing a deficiency appropriation for certain state departments.

House Bill No. 440, An act to legalize the annual meetings, 1940 and 1941, in the town of Jefferson.

Senate Joint Resolution No. 3, Joint resolution in favor of Ralph T. Gallagher.

House Joint Resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice, procedure and pleading.

The report was accepted.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 51, An act relative to power of towns to make by-laws or ordinances licensing hawkers and peddlers, reported the same with the following amendment, and the

recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Hawkers and Peddlers.* Amend chapter 157 of the Public Laws, as inserted by chapter 102, Laws of 1931 (chapter 184, commissioners' report) by striking out sections 3, 4, 6, 7, 10, 12, 14 and 16 and inserting in place thereof the following new sections:

3. *Exceptions.* The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by sample, lists, or catalogues, nor to any person selling agricultural implements, fruit trees, vines, shrubs, books, newspapers, pamphlets, the products of his own labor or the labor of his family and the product of his own farm or the one he tills, the manufactures of furniture and ladders excepted.

4. *Applications.* The clerk of any town or city shall grant a local license to any person who files in his office a certificate, signed by the mayor of said city, a majority of the selectmen of said town, stating that, to their best knowledge and belief, the applicant therein named is of good moral character; and is, or has declared his intention to become, a citizen of the United States. Such license shall not be granted to any other person.

6 *Local Licenses.* The local license shall include a synopsis of this chapter and the name of the city or town within which said license is effective and shall also contain such other information as said clerk may deem necessary. An applicant shall take out a separate license in each town or city wherein he desires to offer or expose for sale goods, wares or

merchandise under the provisions hereof, except when he has secured a state license as provided in section 8 hereof.

7. *Fees.* Every person licensed under the provisions relative to local licenses shall pay to the clerk of the city or town granting such license the following sums before offering or exposing for sale any goods, wares or merchandise therein: For every town of not more than one thousand inhabitants, according to the census next preceding the date of his license, five dollars; for a town of more than one thousand and less than two thousand inhabitants, eight dollars; for a town of more than two thousand and not more than three thousand inhabitants, ten dollars; and for every thousand inhabitants in excess of three thousand, one dollar. The clerk shall certify on the face of such license the sum so paid and shall forward all fees collected hereunder to the treasurer of said city or town which fees shall be for the use of said city or town.

10. *Record.* The Secretary of State and the clerks of cities and towns shall keep records of all licenses issued by them, respectively, with the number of each, the names and residences of the persons licensed and the sums received therefor and all such records shall be open for public inspection.

12. *Endorsing License; Exhibiting License; Use of Badges.* Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When his license is demanded of him by a mayor, selectman, alderman, city or town clerk, sheriff or his deputy, any constable or police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same, and if he neglect or refuse so to do he shall be liable to the same penalty



as if he had no license. The secretary of state and the clerks of cities and towns shall, at the expense of the licensee, provide a badge for each peddler, and such badges shall bear the number of the license, the word "peddler" and such other information as the secretary of state or said clerk may deem necessary. Each peddler shall wear his badge or badges in a conspicuous place.

14. *Revocation of Licenses.* Any special state license granted by the secretary of state to a hawker or peddler may be revoked by him (1) upon conviction of the licensee of any offense which in the judgment of the secretary warrants such revocation, or (2) upon the submission to the secretary of evidence satisfactory to him that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money otherwise than through a bona fide sale or barter of goods, wares or merchandise, or has in any manner begged or solicited alms from the public, or (3) for any other sufficient cause. Whenever any person is convicted of a violation of any provision of this chapter, relative to hawkers and peddlers, the clerk of the court in which or the trial justice by whom, such person was convicted shall notify the secretary of state or the clerk of any city or town which has granted a local license hereunder to said person. Any local license granted by the clerk of any city or town may be revoked by said clerk for like causes and in case of any revocation of a state license by the secretary of state all local licenses held by said licensees shall be revoked by said clerks.

16. *Assistance.* The Secretary of State is authorized to employ such assistance and to incur such expense for the issuance of state license hereunder as the governor and council may approve, and the governor is authorized to draw his warrant therefor.

2. *Application.* The provisions of this act shall not affect the validity of hawkers and peddlers licenses in force at the time this act takes effect, but said licenses, unless sooner revoked for cause, shall remain in effect until the expiration date thereof.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed in accordance with Rule No. 48.

### Concurrent Resolution

Mr. Tilton of Ward 4, Laconia offered the following concurrent resolution.

*Whereas,* We have voted to adjourn this session of the Legislature on Friday, June 13, instant, and

*Whereas,* We have since found that it will be impractical to attempt to accomplish all necessary legislative work by that date, therefore be it

*Resolved,* That we rescind our vote for final adjournment on Friday, June 13, instant, and

*Be It Further Resolved* by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 20, instant, at 5 o'clock in the afternoon, and

*Be It Further Resolved,* That all reports, bills and joint resolutions, with the exception of such as have been referred to the next Legislature, be indefinitely postponed.

The question being on the concurrent resolution.

(Discussion ensued)

Messrs. Tilton of Ward 4, Laconia and Blandin of Bath spoke in favor of the resolution.

Messrs. Palmer of Plaistow and Hamilton of Lisbon spoke against the resolution.

Mr. Tilton of Ward 4, Laconia, asked for a division.

A division being had, 171 members voted in the affirmative and 77 members voted in the negative, and the concurrent resolution was adopted.

Mr. Sayers of Keene demanded the yeas and nays and the roll was called with the following result.

#### YEAS 220

ROCKINGHAM COUNTY: Tuttle, Fecteau, Bourn, Merrill of Hampton, Patridge, Prescott, Johnson of Northwood, Barrett, Dondero, Kittredge, Foote of Portsmouth, Redden, Yeaton, McNeil, Schlegel, Burkhardt, Tucker, Peever, Jewell of Stratham;

STRAFFORD COUNTY: Hartford, Kennard, Ackroyd, Lucas, Brennan of Dover, Webster, Bartlett of Lee, Longley, Beaudoin, Potvin, Hamel, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin;

BELKNAP COUNTY: Philbrick of Belmont, O'Shan, Tarlson, Guay of Laconia, Langlois, Tilton of Laconia, Ward 3, Roucher, Tilton of Laconia, Ward 4, Merrill of Laconia, Ewing, Hopkins, Pynn, Smith of New Hampton, Woodman, Rogers;

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Banfield, Knox, Young, Jewell of Wolfeboro, Thibodeau of Wolfeboro;

MERRIMACK COUNTY: Carter of Boscawen, Moore of Bradford, Coakley, Henry, Nash, Upton, Mayo, Ford, Bunker, Maxfield, Lemire, Douphinett, Whittier, Maxwell, Rounds, Kenney, Carr, Perkins, Connor, Cloues, Mock, Stuart;

HILLSBOROUGH COUNTY: Bills, Graham, Wiggin of Bedford, Edwards, Farwell, Clark of Francestown, Gay of Hillsborough, Lievens, Abbott, Morrill, Cummings, Chase, Knowlton, Carter of Manchester, Gage, Woodbury of Manchester, Kean, Betley, Mahoney, Booth, O'Connell, Gorham, Turcotte, Chevette, Constant, Donnelly, Kane of Manchester, Provencher, Roy,



Egan, Caron, Getz, Gilmartin, Aubin, Durette, Prince, Rousseau, Carter of Merrimack, Jewett, Cooper, Woodbury of Nashua, Landry, Sweeney of Nashua, Ward 2, Goulet, Trombley, Spalding, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Betters, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Senechal, Shedd, Thompson,, Myhaver, Peaslee, Dugan;

CHESHIRE COUNTY: Miller, Hanson, Robertson, Aldrich, Callahan, Lombard, Lichman, Duffy, Pickett, Hale of Rindge, Blake, Grimes, Doucette, Pierce, Brennan of Westmoreland, Ingham;

SULLIVAN COUNTY: Higley, Hamlin, Daly, Decker, Delorier, Gaffney, Marcotte, Brigham, Barton, Bailey of Newport, Condon, Kempton, Maley, Mark, Philbrick of Springfield, Osborne of Sunapee, Cram;

GRAFTON COUNTY: Rollins of Alexandria, Brown of Ashland, Blandin, Noyes, Coolidge, Clark of Canaan, Holden, Davison, Dean, Butler, Adams of Lincoln, Collins of Lisbon, Downing, Bailey of Lyme, Johnson of Monroe, Day, Bell, Merrill of Plymouth, Robbins of Thornton, Gilbert, Sawyer;

COOS COUNTY: Mason of Berlin, Moffett, Smith of Berlin, Lazure, Lemieux, Christiansen, Ramsey, Bixby, Dugas, Gagnon, Seymour, Weeks of Colebrook, Parkhurst, Emerson of Dalton, Fraser, Cryan of Lancaster, Morris, Fogg of Milan, Ashe, Marshall, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.

#### NAYS 125

ROCKINGHAM COUNTY: Stowe, Lake, Wyman, Goodrich, Currier, Fogg of Deerfield, Berthiaume, Corson, Grinnell, Morrison, Cilley, Goodale, Pennell, Robbins of Fremont, Spollett, Keay, Nesmith, Pridham, Coleman, Hobbs, Sanborn of Nottingham, Palmer, Holmes, Barron, Foote of Seabrook;

STRAFFORD COUNTY: Hayes of Dover, Cronin, Smart of Durham, Nadeau of Rochester, Conrad, Hale of Rochester, Studley, Fernald, Hayes of Rochester, Ward 6, Berry;

BELKNAP COUNTY: Rollins of Alton, Cotton, Brown of Gilmanton, Neal, Smart of Ossipee, Vittum, Hayes of Tuftonboro;

MERRIMACK COUNTY: Guilbeault, Phelps, Laird, Veroneau, Davis of Concord, Otis, Potter, Fletcher, Osborne of Concord, Tilton of Concord, Bunten, Matson, Comi, Milburn, Riel, DuDevoir, LaFond, Nelson of Hopkinton, Swift, Freese;

HILLSBOROUGH COUNTY: Bartlett of Goffstown, Brown of Goffstown, Reynolds, Charois, Gleason, Boynton, Daniels of Manchester, Ward 1, Wiggin of Manchester, Frain, O'Neil, Creighton, Dulac, Healy, O'Brien, Gaumont, Jean, Tessier, Huard, Daniel of Manchester, Ward 13, Duval, Turgeon, Ellison, Wadleigh, Atherton, Davis of Nashua, Bouthillier;

CHESHIRE COUNTY: Moore of Alstead, Winslow, Thomas, Clark of Harrisville, Duncan, Mills, Batchelor, Frissell, Mason of Keene, Sayers, Tarbox, Wheeler, Nelson of Winchester;

SULLIVAN COUNTY: Beland, Mercier, Murphy, Witherill;

GRAFTON COUNTY: Pulsifer, Sanborn of Enfield, Hodge, Valia, Gile of Hanover, Hunter, Haley, Oakes, Burby, Gile of Lebanon, Jette, Hamilton of Lisbon, Blount, Collins of Littleton, Cushman, Barney;

COOS COUNTY: Fuller, Chandler, Kimball.

Mr. Hayes of Barrington voting No, paired with Mr. Clinton of Concord voting Yes.

And the concurrent resolution was adopted and sent to the Senate for concurrence.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred House Bill No.

443, An act for the observance of "Bill of Rights" day, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 442, An act providing for the assessment of an additional poll tax to provide funds for old age assistance grants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee.

(Discussion ensued)

Mr. Hunter spoke in favor of the resolution.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Boynton of Hillsborough, for the Committee on Appropriations, to whom was referred House Bill No. 195, An act providing for salary increases for certain state officials, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Chase of Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Chase of Manchester, Sweeney of Ward 2, Nashua, Betley of Manchester and Tilton of Ward 4, Laconia spoke in favor of the motion.

Messrs. Clark of Canaan, Daniels of Ward 1, Man-



chester, Lichman of Keene and Gage of Manchester spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Nadeau of Rochester asked for a division.

A division being had, 83 members voted in the affirmative and 227 members voted in the negative and the motion to substitute did not prevail.

The question being on the resolution of the committee.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Pennell of Exeter, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 43, Joint resolution in favor of Herman J. Pike, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hunter of Hanover, for the Committee on Appropriations, to whom was referred House Bill No. 156, An act relating to the water resources board, reported the same with the following resolution:

*Resolved*, That it be referred to the next legislature.

The report was accepted and the resolution of the committee adopted.

Mr. Potter of Concord, for the Committee on Appropriations, to whom was referred House Bill No. 218, An act relative to the Clerk of the House of Representatives, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by the Omnibus Bill.

The report was accepted and the resolution of the committee adopted.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 91, An act relative to the municipal budget law,

reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 85, An act naming Calef Lake, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 84, An act relating to legacy receipts, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Duncan of Jaffrey, for the Special Joint Committee on Judiciary, to whom was referred House Bill No. 98, An act to revise, codify and amend the Public Laws of the state of New Hampshire, reported the same with the amendments as printed in the Journal of June 11, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendments.

(Discussion ensued)

Mr. Upton of Concord spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted.

Mr. Upton of Concord offered the following amendment.

Amend said bill as follows:

78. Title X, P. 246, ch. 104, s. 5, line 7: strike out all after the words "shall be" and insert in place

thereof the following: "paid by such town to the state treasurer; and in default of such payment the state treasurer may issue an extent as provided in chapter 86 for the collection of such payment."

79. Title XVII, P. 477, ch. 193, s. 3, line 11, strike out the figure "9" and insert in its place the figure "12."

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Bill No. 402, An act relative to the establishment of a state budget director, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Purpose.* To secure more effective and economical management and administration of state departments and institutions, to ascertain the amount of legislative appropriation necessary to secure the greatest governmental efficiency in the state and to endeavor to shorten the length of legislative sessions there is hereby established the office of state budget director. Said budget director shall be appointed by the supreme court and commissioned by the governor for a term of eight years and until his successor is appointed and qualified. No person shall hold office as said director for more than one term. The salary of said director shall be five thousand dollars a year, which shall be a charge upon the appropriation made for the legislature, and said director shall give his entire time to the duties of his office.

The report was accepted.

The question being on the amendment.



Mr. Tilton of Ward 4, Laconia, moved that the bill and amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Tilton of Ward 4, Laconia, Betley of Manchester, Sweeney of Ward 2, Nashua, and Velishka of Nashua, spoke in favor of the motion.

Messrs. Hunter and Holden of Hanover, and Condon of Newport, spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone prevailed.

### Committee Appointment

The Speaker announced the following temporary committee appointments.

Mrs. Otis of Concord and Mrs. Rounds of Hill to the Committee on Engrossed Bills.

### Committee Reports

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 434, An act relating to forest fires and their prevention, reported the same with the amendment as printed in the Journal of June 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 435, An act providing for the appointment of acting officials in certain cases, reported the same with the amendment as printed in the Journal of June 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred House Bill No. 445, An act authorizing application to the superior court by fiduciaries or beneficiaries of trust funds, reported the same with the amendment as printed in the Journal of June 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 76, An act regulating the size of clams which may be possessed, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by adding at the end thereof the following, However, if a person desires to take clams for his own consumption, he may do so on a permit. Such permit shall be issued under the rules and regulations as prescribed by the director. A fee of not over fifteen cents shall be charged for issuing this permit, and it shall allow the taking of not more than one-half bushel of clams at a time, for a period of one year. No person except as herein provided shall at any time engage in this state in the business of buying or selling clams without first procuring a license. Such license shall be issued by the director upon payment of a fee of five dollars, and such license shall be for a period of one year, so that said section as amended shall read as follows: 1. *Taking and Possessing Clams*. Amend section 60 of chapter 201 of the Public Laws as inserted by chapter 169, Laws of 1939 (section 60, chapter 236, commissioners' report) by striking out said section and inserting in place thereof the following: 60. *Regulations as to*

*Size; Licenses.* No person shall buy, sell, give away or expose for sale, or possess for any purpose any clams in their shells in any measure or container unless at least ninety per cent by volume and by count of said clams are of a size of not less than two inches by their longest dimension. No person, unless he is a resident of this state, shall take clams, and no such resident who is sixteen years of age and over shall take clams unless he has secured a license therefor from the director. The director is hereby authorized to make all reasonable rules and regulations to carry out the provisions of this section. The fee for an annual license shall be one dollar. However, if a person desires to take clams for his own consumption, he may do so on a permit. Such permit shall be issued under the rules and regulations as prescribed by the director. A fee of not over fifteen cents shall be charged for issuing this permit, and it shall allow the taking of not more than one-half bushel of clams at a time, for a period of one year. No person except as herein provided shall at any time engage in this state in the business of buying or selling clams without first procuring a license. Such license shall be issued by the director upon payment of a fee of five dollars, and such license shall be for a period of one year.

Further amend said bill by adding a new section 2 as follows:

2. *Search and Seizure.* Any conservation officer shall have power to secure and execute search warrants in pursuance thereof in any building, enclosure, vehicle, or car, and to break open any compartment, chest, locker, box, trunk, crate, basket, bag, package, or container, and to examine the contents thereof; to seize and take possession of any clams which have been dug, taken, or had in possession or



under control, or which have been shipped or are about to be shipped at any time, in any manner, or for any purpose, contrary to the laws of this state; to seize all baskets, cars, or other receptacles or containers or contrivances, except boats, used in violation of any law, rule or regulation relating to the taking of clams, when making arrest, or when these clams are found in the execution of a search warrant, and hold the same until the fine and costs imposed for such violation have been paid in full. In the event that the owner cannot be apprehended, such receptacles, containers, or contrivances may be sold to pay the cost. A person found guilty of violation of any clam laws or regulations shall be fined not less than five dollars, or more than fifty dollars; and if he holds a license, the license may be revoked for such length of time as the director may designate.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Osborne of Sunapee, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 33, Joint resolution relating to the regulation of ski traffic, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the state planning and development commission be and hereby are directed to investigate the advisability of establishing a commission for the control of ski traffic and for the uniform marking of ski trails and make a report of its findings and recommendations to the next session of the legislature.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Weeks of Colebrook, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of three thousand one hundred and eighty-five dollars and five cents (\$3,185.05) be and hereby is allowed and appropriated to compensate the estate of Robert H. Stobie, late of Hooksett, for funds advanced by him personally for the use of the state fish and game department while serving as director of said department. The sum hereby appropriated shall be a charge upon the fish and game fund.

The report was accepted.

The question being on the amendment.

Mr. Cotton of Barnstead moved that the amendment and resolution be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Potter of Concord and Carter of Manchester spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

### Special Order

Mr. Lievens of Hollis called for the special order.  
House Bill No. 217 (in new draft and new title), An

act relating to the conservation of soil and soil resources and the prevention and control of soil erosion.

The question being on the report of the committee, that the bill is inexpedient to legislate.

Mr. Lievens of Hollis moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Lievens of Hollis, Duncan of Jaffrey, Bartlett of Lee, Betley of Manchester, Simpson of Bartlett, Tilton of Ward 4, Laconia, and Blandin of Bath spoke in favor of the motion.

Miss Spollett of Hampstead and Messrs. Pennell of Exeter, Mills of Jaffrey, Grinnell of Derry, Pulsifer of Campton and Hobbs of North Hampton spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Bartlett of Lee asked for a division.

A division being had, 132 members voted in the affirmative and 157 members voted in the negative, the motion to substitute did not prevail.

Mr. Bartlett of Lee demanded the yeas and nays and the roll was called with the following result.

#### YEAS 145

ROCKINGHAM COUNTY: Stowe, Pridham, Dondero, Kittredge, Foote of Portsmouth, McNeil, Foote of Seabrook;

STRAFFORD COUNTY: Jackson, Courchene, Cronin,



Hartford, Ackroyd, Lucas, Brennan of Dover, Bartlett of Lee, Nadeau of Rochester, Conrad, Hale of Rochester, Beaudoin, Potvin, Berry;

BELKNAP COUNTY: Brown of Gilmanton, Guay of Laconia, Tilton of Laconia, Ward 4, Smith of New Hampton, Woodman, Rogers;

CARROLL COUNTY: Simpson, Grindle, Hill, Huntress, Knox, Young;

MERRIMACK COUNTY: Guilbeault, Phelps, Moore of Bradford, Laird, Coakley, Veroneau, Tilton of Concord, Lemire, Douphinett, Whittier, DuDevoir, LaFond, Perkins;

HILLSBOROUGH COUNTY: Wiggin of Bedford, Lievens, Carter of Manchester, Barry, Bresnahan, Frain, Kean, O'Neil, Betley, Creighton, Dulac, O'Brien, Booth, O'Connell, Slowey, Gaumont, Gorham, Cheverette, Donnelly, Provencher, Driscoll, Egan, Getz, Gilmartin, Durette, Huard, Prince, Rousseau, Turgeon, Woodbury of Nashua, Landry, Carrier, Goulet, Trombley, Sullivan of Nashua, Ward 4, Bilodeau, Plourde, Velishka, Paquette, Shea of Nashua, Goyette, Sweeney of Nashua, Ward 7, Cormier, Grandmaison, LeBlanc, Bouthillier, Senechal, Peaslee;

CHESHIRE COUNTY: Robertson, Duncan, Callahan, Mason of Keene, Lichman, Sayers, Hale of Rindge, Blake, Grimes, Doucette;

SULLIVAN COUNTY: Hamlin, Beland, Daly, Decker, Gaffney, Marcotte, Murphy, Bailey of Newport, Kempton, Philbrick of Springfield, Osborne of Sunapee;

GRAFTON COUNTY: Brown of Ashland, Blandin, Sanborn of Enfield, Hunter, Davison, Haley, Oakes, Burby, Butler, Gile of Lebanon, Jette, Adams of Lincoln, Collins of Littleton, Bailey of Lyme, Cushman, Day, Barney, Gilbert;

COOS COUNTY: Mason of Berlin, Moffett, Lemieux, Bixby, Emerson of Dalton, Chandler, Kimball, Ashe,

Marshall, Baldwin, Weeks of Stewartstown, Hutchins, Taylor.

## NAYS 166

ROCKINGHAM COUNTY: Lake, Wyman, Goodrich, Currier, Fogg of Deerfield, Berthiaume, Corson, Grinnell, Morrison, Fecteau, Bourn, Goodale, Pennell, Robbins of Fremont, Spollett, Merrill of Hampton, Evans of Kensington, Keay, Nesmith, Patridge, Prescott, Johnson of Northwood, Sanborn of Nottingham, Palmer, Redden, Yeaton, Schlegel, Burkhardt, Holmes, Tucker, Barron;

STRAFFORD COUNTY: Hayes of Dover, Kennard, Smart of Durham, Webster, Longley, Studley, Fernald, Hayes of Rochester, Ward 6, Hamel, Habel, Boucher, Hebert, Nadeau of Somersworth, Coffin;

BELKNAP COUNTY: Rollins of Alton, Cotton, Tarlson, Tilton of Laconia, Ward 3, Roucher, Merrill of Laconia, Ewing, Hopkins, Neal, Pynn;

CARROLL COUNTY: Banfield, Smart of Ossipee, Vittum, Hayes of Tuftonboro, Jewell of Wolfeboro;

MERRIMACK COUNTY: Davis of Concord, Henry, Otis, Fletcher, Nash, Osborne of Concord, Bunten, Upton, Mayo, Comi, Ford, Milburn, Bunker, Riel, Maxwell, Rounds, Kenney, Swift, Carr, Freese, Connor, Cloues, Stuart;

HILLSBOROUGH COUNTY: Bills, Graham, Edwards, Farwell, Clark of Francestown, Brown of Goffstown, Reynolds, Gleason, Boynton, Gay of Hillsborough, Abbott, Morrill, Cummings, Chase, Daniels of Manchester, Ward 1, Knowlton, Wiggin of Manchester, Gage, Woodbury of Manchester, Tessier, Aubin, Duval, Carter of Merrimack, Ellison, Jewett, Wadleigh, Atherton, Cooper, Davis of Nashua, Spalding, Shedd, Thompson, Dugan;

CHESHIRE COUNTY: Winslow, Thomas, Miller, Han-son, Clark of Harrisville, Mills, Aldrich, Batchelor,

Frissell, Duffy, Pickett, Tarbox, Wheeler, Pierce, Brennan of Westmoreland, Nelson of Winchester;

SULLIVAN COUNTY: Witherill, Brigham, Barton, Mark, Cram;

GRAFTON COUNTY: Rollins of Alexandria, Noyes, Coolidge, Pulsifer, Clark of Canaan, Hodge, Gile of Hanover, Holden, Dean, Collins of Lisbon, Hamilton of Lisbon, Blount, Downing, Johnson of Monroe, Bell, Merrill of Plymouth, Robbins of Thornton, Sawyer;

COOS COUNTY: Smith of Berlin, Lazure, Christiansen, Ramsey, Dugas, Seymour, Fuller, Parkhurst, Fraser, Cryan of Lancaster, Morris, Fogg of Milan.

Mr. Hobbs of North Hampton voting No, paired with Mr. Tuttle of Atkinson voting Yes.

Mr. Barrett of Portsmouth voting Yes, paired with Mr. Hayes of Barrington voting No.

Mr. Potter of Concord voting No, paired with Mr. Condon of Newport voting Yes.

Mr. Sturtevant of Concord voting No, paired with Mrs. Caron of Manchester voting Yes.

Mr. Brunel of Concord voting No, paired with Mrs. Charois of Greenville voting Yes.

Mr. Bartlett of Goffstown voting No, paired with Mr. Sweeney of Nashua, Ward 2, voting Yes.

Mr. Daniel of Manchester, Ward 13, voting Yes, paired with Mr. Lesmerises of Manchester voting No.

And the motion to substitute did not prevail.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Pulsifer of Campton moved that the House reconsider the vote whereby it voted House Bill No. 217 (in new draft and new title), An act relating to the conservation of soil and soil resources and the preven-



tion and control of soil erosion, as inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

### Unfinished Business

Mr. Osborne of Sunapee called for the unfinished business,

House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

The question being on the motion to indefinitely postpone the amendment offered by the committee with the previous question ordered.

Mr. Osborne of Sunapee asked for a division.

A division being had 221 members voted in the affirmative and 67 members voted in the negative, the amendment was indefinitely postponed.

Mr. Condon of Newport offered the following amendment.

Amend section 5 of House Bill No. 352 by adding after line 17 the following:

But the time for undertaking the construction of said tramway project shall be and hereby is left to the sole discretion and judgment of the governor and council.

The question being on the amendment offered by Mr. Condon.

Mr. Mills of Jaffrey asked for a division.

A division being had, 200 members voted in the affirmative and 106 members voted in the negative and the amendment was adopted.

Mr. Chase of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

Mr. Osborne of Sunapee moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Pennell of Exeter asked for a division.

A division being had, 142 members voted in the affirmative and 164 members voted in the negative and the motion to indefinitely postpone did not prevail.

The bill was then ordered to a third reading.

On motion of Mr. Guay of Laconia business in order at 3 o'clock was made in order at the present time.

### Third Readings

On motion of Mr. Guay of Laconia, the rules were suspended, and the third readings of bills by their titles and joint resolutions, by their captions, made in order.

House Bill No. 434, An act relating to forest fires and their prevention.

House Bill No. 435, An act providing for the appointment of acting officials in certain cases.

House Bill No. 445, An act authorizing application to the superior court by fiduciaries or beneficiaries of trust funds.

House Bill No. 98, An act to revise, codify and amend the Public Laws of the State of New Hampshire.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie.

House Joint Resolution No. 33, Joint resolution relating to the regulation of ski traffic.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 84, An act relating to legacy receipts.

Senate Bill No. 85, An act naming Calef lake.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 76, An act regulating the size of clams which may be possessed.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

Read a third time.

The question being, Shall the bill pass?

Mr. Gage of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Osborne of Sunapee spoke against the motion.

Mr. Gage of Manchester asked for a division.

A division being had, 84 members voted in the affirmative and 208 members voted in the negative and the motion to indefinitely postpone did not prevail.

The question being, Shall the bill pass?

On a *viva voce* vote the bill passed and was sent to the Senate for concurrence.

### Reconsideration

Mr. Osborne of Sunapee moved that the House reconsider the vote whereby it passed House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.



On a *viva voce* vote the motion to reconsider did not prevail.

### Taken from the Table

Mr. O'Brien of Manchester moved that House Bill No. 78, An act establishing a commission to raise additional revenue for the state, be taken from the table.

Mr. O'Brien of Manchester asked for a division.

A division being had, 122 members voted in the affirmative and 168 members voted in the negative, and the motion to take from the table did not prevail.

### Recess

### After Recess

### Committee Reports

Mrs. Rounds of Hill, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 59, An act relating to exemption from taxation.

House Bill No. 423, An act relating to unincorporated societies and lodges.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 411, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the same and inserting in place thereof the following:

1. *State Hospital*. I. Amend paragraph (j) of section 1, chapter 221, Laws of 1939, as amended by

chapter 124, Laws of 1941, by striking out said paragraph and inserting in place thereof the following: (j) the construction and equipment of an addition to the Brown building at the state hospital to accommodate approximately one hundred twenty patients. II. In view of the change in one of the projects named in said section 1 of said chapter 221, provided for by this section, there is hereby appropriated for the purposes set forth in said section 1 of said chapter 221 the sum of one hundred thousand dollars, which appropriation is in addition to the appropriations made by said chapter 221.

Amend section 3 of said bill by striking out the first sentence thereof and inserting in place thereof the following:

3. *Bonds or Notes Authorized.* To provide funds for the appropriations made by sections 1 and 2 hereof, the state treasurer is hereby authorized under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of three hundred and sixteen thousand dollars, and for that purpose, may issue bonds or notes in the name and on the behalf of the State of New Hampshire.

Amend section 5 by striking out the word "twelve" and inserting in place thereof the word, sixteen.

On motion of Mr. Boynton of Hillsborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills and joint resolutions:

Senate Bill No. 56, An act authorizing the reinstatement of W. A. Emerson's Sons.

Senate Bill No. 58, An act to provide for a committee on wood waste utilization.

House Bill No. 212, An act relating to a license to carry a loaded pistol or revolver.

House Bill No. 219, An act relating to the use of commercial motor vehicles.

Senate Joint Resolution No. 3, Joint resolution in favor of Ralph T. Gallagher.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands.

House Bill No. 436, An act relating to the payment of county taxes.

House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products.

House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled joint resolution, sent up from the House of Representatives:

House Joint Resolution No. 67, Joint resolution for a special committee to study the revision and codification of laws relating to crime, criminal practice, procedure and pleading.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 401, An act authorizing the State of New Hampshire to take over the Warren-Woodstock



road in the towns of Warren and Woodstock for the purpose of maintenance.

Amend section 1 of the bill by adding at the end thereof the following: This highway shall be called The Sawyer Highway in honor of Harry Sawyer of Woodsville; so that said section as amended shall read:

1. *Highway Maintenance.* That the Warren-Woodstock Road, from its junction with the road leading to the C. C. C. Camp at East Warren to its junction with the Lost River Road in North Woodstock, a distance of approximately ten and one-half miles, shall hereafter be maintained by the State of New Hampshire under the direction of the State Highway Commissioner and the expense shall be a charge upon the highway funds. This highway shall be called the Sawyer Highway in honor of Harry Sawyer of Woodsville.

On motion of Mr. Nash of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 85, An act relating to the sale and delivery of beverages.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Sales and Delivery.* Amend section 12 of chapter 3 of the Laws of the special session of 1934, as amended by chapters 13 and 68 of the Laws of 1935 and as amended by an Act approved April 29, 1941, by inserting after the words "guests" in the tenth line the words "provided, further, that persons holding permits under the provisions of section 11 of chapter 99 of the laws of 1933 may sell and deliver beverages on election days for resale only", so that said section as amended shall read as follows: 12. *Rules and Regulations.* Said commission shall have power to make

all necessary and proper rules and regulations for carrying out the provisions of this act, and such rules and regulations shall have the effect of law. No sale of liquor or beverages shall be made on Sundays or election days while the polls are opened except by persons holding licenses under the provisions of sections 19, 21, 22 and 23, provided that persons holding licenses under the provisions of section 19 when making sales of beverages on Sundays or election days while the polls are opened shall sell only to bona fide guests with meals in the dining room or in the rooms of the guests. Provided, further, that persons holding permits under the provisions of section 11 of chapter 99 of the laws of 1933 may sell and deliver beverages on election days for resale only. Liquor or beverages shall not be sold in any establishment where booths that are not open at the end or that are more than forty-two inches high are used for serving patrons. Costumers may be erected and attached to the ends of the booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.

On motion of Mr. Foote of Portsmouth the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 211, An act relative to guaranty agreements provided in case of the sale of lightning rods.

Amend said bill by adding to section 2 the following: Nothing in this act shall be construed as taking away a property owner's right to recover damages for negligent installation of said rodding.

On motion of Mr. Hayes of Dover the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 316, An act relating to boxing and wrestling.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Licenses and Permits.* Amend section 16 of said chapter 132, as inserted by chapter 179, Laws of 1937 (section 15, chapter 169, commissioners' report) by striking out said section and inserting in place thereof the following: 16. *Fees.* With the approval of the governor and council the commission may annually set such fees for permits as it shall consider adequate and proper. Such fees may be set for permits for one show only for promoter, boxer, wrestler, timekeeper, second and manager, with graduated fees for preliminary bout, semi-final or main bout, or all star exhibition, and annual fees may be set licenses for such promoter, boxer, wrestler, manager, referee, second and timekeeper. The commission may issue to an amateur boxer or wrestler an amateur card which shall be valid for one year and the fee for such amateur card shall be twenty-five cents.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had refused to concur with the House of Representatives in the passage of the following concurrent resolutions:

#### Concurrent Resolution

*Whereas*, We have voted to adjourn this session of the Legislature on Friday, June 13, instant, and

*Whereas*, We have since found that it will be impractical to attempt to accomplish all necessary legislative work by that date, therefore be it



*Resolved*, That we rescind our vote for final adjournment on Friday, June 13, instant, and

*Be It Further Resolved* by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, June 20, instant, at 5 o'clock in the afternoon, and

*Be It Further Resolved*, That all reports, bills and joint resolutions, with the exception of such as have been referred to the next Legislature, be indefinitely postpone.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 87, An act increasing the penalty for crime committed during any so-called blackout.

Senate Bill No. 88, An act relating to cancellation of accident and health insurance policies.

Senate Bill No. 92, An act relative to the open season for taking salt water smelt.

### **Senate Bills Read and Referred**

Senate Bill No. 87, An act increasing the penalty for crime committed during any so-called blackout.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 88, An act relating to cancellation of accident and health insurance policies.

Read a first and second time and referred to the Committee on Insurance.

Mr. Noyes of Bethlehem moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Noyes of Bethlehem spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Senate Bill No. 92, An act relative to the open season for taking salt water smelt.

Read a first and second time and referred to the Committee on Fisheries and Game.

### Committee Reports

On motion of Mr. Daniels of Ward 1, Manchester, the rules were suspended to allow for the presentation of three committee reports which had not previously been advertised in the Journal.

Mr. Daniels of Ward 1, Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 448, An act relative to compensation of officers and employees of the legislature, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

On motion of Mr. Osborne of Sunapee the rules were suspended and the printing of the bill dispensed with.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 449, An act relative to emergency appropriations, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

On motion of Mr. Daniels of Ward 1, Manchester, the rules were suspended and the printing of the bill dispensed with.

Mr. Hunter of Hanover, for the Committee on Rules, having considered the subject, reported the following joint resolution, House Joint Resolution No. 70, Joint resolution in favor of Guy S. Neal and others, with the recommendation that the joint resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

On motion of Mr. Osborne of Sunapee the rules were suspended and the printing of the bill dispensed with.

On motion of Mr. Osborne of Sunapee the Committee on Appropriations was granted permission to hold hearings on House Bills Nos. 448 and 449 and Joint Resolution No. 70, immediately.

Mr. Daniels, Ward 1, Manchester, for the Committee of Conference, to whom was referred House Bill No. 43, An act making appropriations for the expenses of the state for the year ending June 30, 1942, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence, and that the Senate recede from its position in adopting its amendments, and that the following amendments be adopted:

#### Supreme Court:

##### Salary of Clerk of Court

Strike out the figures	\$1,500.00	
and insert the figures		\$2,000.00
Strike out the figures	47,250.00	
and insert the figures		47,750.00
Strike out the figures	47,120.00	
and insert the figures		47,620.00
Total Judicial Branch		
Strike out the figures	142,520.00	
and insert the figures		143,020.00



## Department of Agriculture:

## Nursery Inspection

Strike out the figures	800.00	
and insert the figures		1,000.00

## Insect Suppression

Strike out the figures	2,300.00	
and insert the figures		2,500.00

Strike out the figures	12,350.00	
and insert the figures		12,550.00

## Licensing Milk Dealer

Strike out the figures	275.00	
and insert the figures		500.00

## Total Department of Agriculture

Strike out the figures	149,807.00	
and insert the figures		150,432.00

## Attorney General's Department:

Strike out the figures	3,450.00	
and insert the figures		3,800.00

Strike out the figures	30,900.00	
and insert the figures		31,250.00

## Comptroller's Department:

Strike out the figures	13,925.00	
and insert the figures		18,425.00

Strike out the figures	25,125.00	
and insert the figures		29,625.00

## Total Comptroller's Department

Strike out the figures	32,975.00	
and insert the figures		37,475.00

## Forestry and Recreation Department:

## Lookout Stations

Strike out the figures	10,000.00	
and insert the figures		12,280.00

## Recreation

Strike out the figures	20,000.00	
and insert the figures		21,790.00

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Strike out the figures	12,500.00	
and insert the figures		13,160.00
Strike out the figures	35,550.00	
and insert the figures		38,000.00
Strike out the figures	18,048.00	
and insert the figures		18,548.00
Strike out the figures	17,502.00	
and insert the figures		19,452.00
Federal Emergency Project		
Strike out the figures	2,880.00	
and insert the figures		3,500.00
Strike out the figures	4,380.00	
and insert the figures		5,000.00
Total Forestry and Recreation		
Strike out the figures	84,462.00	
and insert the figures		89,312.00
State Library:		
Strike out the figures	12,135.00	
and insert the figures		12,385.00
Strike out the figures	24,996.00	
and insert the figures		25,246.00
State Police:		
Strike out the figures	75,475.00	
and insert the figures		69,475.00
Strike out the figures	201,000.00	
and insert the figures		195,000.00
Strike out the figures	26,000.00	
and insert the figures		20,000.00
Strike out the paragraph relating to distribution of funds for the State Police the figures	26,000.00	
and insert in place thereof the figures		20,000.00

## Department of Weights and Measures:

Strike out the figures	9,635.00	
and insert the figures		6,935.00
Strike out the figures	22,575.00	
and insert the figures		19,875.00

## Laconia State School:

## Operation of Plant

Strike out the figures	4,520.00	
and insert the figures		4,600.00
Strike out the figures	30,645.00	
and insert the figures		30,725.00

## Total Laconia School

Strike out the figures	209,742.00	
and insert the figures		209,822.00

## New Hampshire State Hospital:

## Operation of Plant

Strike out the figures	90,248.00	
and insert the figures		90,648.00
Strike out the figures	117,622.00	
and insert the figures		118,022.00
Strike out the figures	117,272.00	
and insert the figures		117,672.00

## Total State Hospital

Strike out the figures	888,821.00	
and insert the figures		889,221.00

## New Hampshire State Prison:

## Administration

Strike out the figures	3,150.00	
and insert the figures		3,050.00
Strike out the figures	7,875.00	
and insert the figures		7,775.00

## Custodial Care

Strike out the figures	43,400.00	
and insert the figures		40,760.00
Strike out the figures	43,875.00	
and insert the figures		46,875.00



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Strike out the figures	87,275.00	
and insert the figures		87,635.00
Parole Officer		
Strike out the figures	5,240.00	
and insert the figures		4,740.00
Strike out the figures	9,150.00	
and insert the figures		8,650.00
Total State Prison		
Strike out the figures	126,782.00	
and insert the figures		126,542.00
Probation Department:		
Strike out all the Probation department and in-		
sert in place thereof the following:		
Salary of Director	3,200.00	
Salaries of 7 Probation		
Officers	14,300.00	
Other Personal Services	9,494.00	
Current Expenses	10,997.00	
Total Probation Department		37,991.00
Water Resources Board:		
Strike out the figures	16,300.00	
and insert the figures		17,400.00
Strike out the figures	18,650.00	
and insert the figures		19,750.00
Strike out the figures	16,150.00	
and insert the figures		17,250.00
Total Water Resources Board		
Strike out the figures	24,890.00	
and insert the figures		25,990.00
Board of Health:		
Office of Secretary		
Strike out the figures	3,000.00	
and insert the figures		4,000.00
Strike out the figures	7,960.00	
and insert the figures		8,960.00

## Sanitation

Strike out the figures	8,600.00	
and insert the figures		8,700.00
Strike out the figures	11,700.00	
and insert the figures		11,800.00

## Total Board of Health

Strike out the figures	90,110.00	
and insert the figures		91,210.00

## Department of Public Welfare:

## Administration

Strike out the figures	37,297.00	
and insert the figures		35,097.00
Strike out the figures	59,187.00	
and insert the figures		56,987.00

## Aid to Dependent Children

Strike out the figures	414,500.00	
and insert the figures		435,380.00

## Total Department of Public Welfare

Strike out the figures	3,293,131.00	
and insert the figures		3,311,811.00

## Less Income

Strike out the figures	2,033,723.00	
and insert the figures		2,045,499.00

Net Appropriation—Department  
of Public Welfare

Strike out the figures	1,259,408.00	
and insert the figures		1,266,312.00

## Cancer Commission:

Strike out the figures	19,450.00	
and insert the figures		18,200.00
Strike out the figures	45,025.00	
and insert the figures		46,275.00

## Planning and Development Commission:

## Planning Division

Strike out the figures	17,072.00	
and insert the figures		17,572.00
Strike out the figures	5,800.00	
and insert the figures		6,100.00
Strike out the figures	26,872.00	
and insert the figures		27,672.00
Strike out the figures	26,672.00	
and insert the figures		27,472.00

## Division of Industrial Promotion

Strike out the figures	3,750.00	
and insert the figures		3,950.00
Strike out the figures	10,200.00	
and insert the figures		10,400.00

## For Investigation of Mineral Resources

Add the figures 1,500.00

## For Survey of Mt. Sunapee

Add the figures 5,000.00\*

## Total Planning and Development Commission

Strike out the figures	113,603.00	
and insert the figures		121,103.00

## Tax Commission:

## Office of Commission

Strike out the figures	7,350.00	
and insert the figures		8,450.00
Strike out the figures	26,850.00	
and insert the figures		27,950.00

## Municipal Accounting Division

Strike out the figures	8,075.00	
and insert the figures		11,725.00

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\* The above appropriation of \$5,000.00 for survey of Mt. Sunapee shall not be transferred to any other function and shall not lapse.



Strike out the figures	15,225.00	
and insert the figures		18,875.00
Strike out the figures	1,100.00	
and insert the figures		5,000.00
Strike out the figures	14,125.00	
and insert the figures		13,875.00
Total Tax Commission		
Strike out the figures	86,675.00	
and insert the figures		87,525.00
Pharmacy Commission:		
Strike out the figures	2,275.00	
and insert the figures		3,000.00
Total Appropriations:		
Strike out the figures	5,489,420.47	
and insert the figures		5,508,364.47

Further amend by striking out all of the last paragraph of Section 1 regarding changes of salaries or wages.

JOEL S. DANIELS,  
EDGAR H. HUNTER,  
GEORGE W. BOYNTON,  
LEO L. OSBORNE,  
HARRY D. SAWYER,

*Conferees on the Part of the House.*

PHILIP C. HEALD,  
JOSEPH B. PERLEY,  
RENFREW A. THOMSON,

*Conferees on the Part of the Senate.*

On motion of Mr. Daniels, Ward 1, Manchester, the report of the committee was adopted.

Mr. Daniels of Ward 1, Manchester, for the Committee of Conference, to whom was referred House Bill No. 44, An act making appropriations for the expenses of the state for the year ending June 30, 1943, having considered the same, reported the same with the

recommendation that the House recede from its position of non-concurrence and that the Senate recede from its position in adopting its amendments, and that the following amendments be adopted.

Supreme Court:

Salary of Clerk of Court

Strike out the figures	\$1,500.00	
and insert the figures		\$2,000.00
Strike out the figures	43,750.00	
and insert the figures		44,250.00
Strike out the figures	43,620.00	
and insert the figures		44,120.00
Strike out the figures	47,120.00	
and insert the figures		47,620.00

Total Judicial Branch

Strike out the figures	142,520.00	
and insert the figures		143,020.00

Department of Agriculture:

Office of Commissioner

Strike out the figures	2,700.00	
and insert the figures		2,750.00
Strike out the figures	12,583.00	
and insert the figures		12,633.00

Nursery Inspection

Strike out the figures	800.00	
and insert the figures		1,000.00

Insect Suppression

Strike out the figures	2,300.00	
and insert the figures		2,500.00
Strike out the figures	12,350.00	
and insert the figures		12,550.00

Licensing Milk Dealers

Strike out the figures	275.00	
and insert the figures		500.00

Total Department of Agriculture

Strike out the figures	150,642.00	
and insert the figures		151,317.00

## Comptroller's Department

Strike out the figures	14,050.00	
and insert the figures		18,550.00
Strike out the figures	25,250.00	
and insert the figures		29,750.00

## Total Comptroller's Department

Strike out the figures	33,100.00	
and insert the figures		37,600.00

## Forestry and Recreation Department:

## Lookout Stations

Strike out the figures	10,000.00	
and insert the figures		12,280.00

## Recreation

Strike out the figures	20,900.00	
and insert the figures		22,900.00
Strike out the figures	12,500.00	
and insert the figures		12,900.00
Strike out the figures	35,600.00	
and insert the figures		38,000.00
Strike out the figures	18,498.00	
and insert the figures		18,998.00
Strike out the figures	17,102.00	
and insert the figures		19,002.00

## Federal Emergency Project

Strike out the figures	2,880.00	
and insert the figures		3,500.00
Strike out the figures	4,380.00	
and insert the figures		5,000.00

## Total Forestry and Recreation Department

Strike out the figures	84,217.00	
and insert the figures		89,017.00

## State Library:

Strike out the figures	11,935.00	
and insert the figures		12,185.00
Strike out the figures	24,960.00	
and insert the figures		25,210.00



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State Police:

Strike out the figures	78,825.00	
and insert the figures		67,825.00
Strike out the figures	208,000.00	
and insert the figures		197,000.00
Strike out the figures	33,000.00	
and insert the figures		22,000.00
Strike out of the paragraph relating to distribution of funds for the State Police the figures	33,000.00	
and insert in place thereof the figures		22,000.00

Department of Weights and Measures:

Strike out the figures	5,460.00	
and insert the figures		5,660.00
Strike out the figures	18,450.00	
and insert the figures		18,650.00

Laconia State School:

Operation of Plant

Strike out the figures	4,620.00	
and insert the figures		4,760.00
Strike out the figures	30,745.00	
and insert the figures		30,885.00
Further amend Laconia State School by adding for maintenance and operation of a new dormi- tory	\$47,650.00	

Total Laconia State School

Strike out the figures	213,446.00	
and insert the figures		261,236.00

New Hampshire State Hospital:

Administration

Strike out the figures	8,380.00	
and insert the figures		8,680.00
Strike out the figures	43,740.00	
and insert the figures		44,040.00

## Professional Care and Treatment

Strike out the figures	29,860.00	
and insert the figures		31,360.00
Strike out the figures	265,434.00	
and insert the figures		266,934.00
Strike out the figures	265,084.00	
and insert the figures		266,584.00

## Total State Hospital

Strike out the figures	902,418.00	
and insert the figures		904,218.00

## State Prison:

## Administration

Strike out the figures	3,150.00	
and insert the figures		3,050.00
Strike out the figures	8,025.00	
and insert the figures		7,925.00

## Custodial Care

Strike out the figures	43,400.00	
and insert the figures		40,760.00
Strike out the figures	43,875.00	
and insert the figures		46,875.00
Strike out the figures	87,275.00	
and insert the figures		87,635.00

## Parole Officer

Strike out the figures	5,290.00	
and insert the figures		4,790.00
Strike out the figures	9,200.00	
and insert the figures		8,700.00

## Total State Prison

Strike out the figures	126,982.00	
and insert the figures		126,742.00

## Probation Department:

Strike out the eight		
and insert the word seven		
Strike out the figures	16,400.00	
and insert the figures		14,300.00

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Strike out the figures	8,894.00	
and insert the figures		9,894.00
Strike out the figures	11,847.00	
and insert the figures		11,297.00
Strike out the figures	41,141.00	
and insert the figures		39,491.00

Water Resources Board:

Strike out the figures	16,950.00	
and insert the figures		18,050.00
Strike out the figures	19,300.00	
and insert the figures		20,400.00
Strike out the figures	16,700.00	
and insert the figures		17,800.00

Total Water Resources Board

Strike out the figures	25,490.00	
and insert the figures		26,590.00

Board of Health:

Office of Secretary

Strike out the figures	3,000.00	
and insert the figures		4,000.00
Strike out the figures	7,960.00	
and insert the figures		8,960.00

Sanitation

Strike out the figures	8,600.00	
and insert the figures		8,700.00
Strike out the figures	11,700.00	
and insert the figures		11,800.00

Total Board of Health

Strike out the figures	90,410.00	
and insert the figures		91,510.00

Department of Public Welfare:

Aid to Dependent Children

Strike out the figures	466,687.00	
and insert the figures		486,030.00



## Total Department of Public Welfare

Strike out the figures	3,793,592.00	
and insert the figures		3,812,935.00
Strike out the figures	2,383,288.00	
and insert the figures		2,388,596.00
Strike out the figures	1,410,304.00	
and insert the figures		1,424,339.00

## Cancer Commission:

Strike out the figures	20,750.00	
and insert the figures		18,200.00
Strike out the figures	49,625.00	
and insert the figures		47,275.00
Strike out the figures	70,375.00	
and insert the figures		65,475.00
Strike out the figures	16,375.00	
and insert the figures		15,475.00
Strike out the figures	54,000.00	
and insert the figures		50,000.00

## Planning and Development Commission:

## Planning Division

Strike out the figures	17,422.00	
and insert the figures		17,922.00
Strike out the figures	5,800.00	
and insert the figures		6,100.00
Strike out the figures	27,222.00	
and insert the figures		28,022.00
Strike out the figures	27,022.00	
and insert the figures		27,822.00

## Division of Industrial Promotion

Strike out the figures	3,750.00	
and insert the figures		3,950.00
Strike out the figures	10,250.00	
and insert the figures		10,450.00
Strike out the figures	114,403.00	
and insert the figures		115,403.00

## Public Library Commission:

## Office of Commission

Strike out the figures	950.00	
and insert the figures		1,100.00
Strike out the figures	10,550.00	
and insert the figures		10,700.00

## Total Public Library Commission

Strike out the figures	18,229.00	
and insert the figures		18,379.00

## Tax Commission:

## Office of Commission

Strike out the figures	7,050.00	
and insert the figures		7,650.00
Strike out the figures	26,550.00	
and insert the figures		27,150.00

## Municipal Accounting Division

Strike out the figures	8,175.00	
and insert the figures		11,775.00
Strike out the figures	15,325.00	
and insert the figures		18,925.30
Strike out the figures	1,100.00	
and insert the figures		5,000.00
Strike out the figures	14,225.00	
and insert the figures		13,925.00

## Total Tax Commission

Strike out the figures	86,575.00	
and insert the figures		86,875.00

## Pharmacy Commission:

Strike out the figures	2,275.00	
and insert the figures		3,000.00

## Total Appropriations

Strike out the figures	5,727,093.47	
and insert the figures		5,789,128.47

Further amend by striking out all of the last paragraph of Section 1, regarding changes of salaries or wages.

JOEL S. DANIELS,  
EDGAR H. HUNTER  
GEORGE W. BOYNTON,  
LEO L. OSBORNE,  
HARRY D. SAWYER,

*Conferees on the Part of the House.*

PHILIP C. HEALD,  
JOSEPH B. PERLEY,  
RENFREW A. THOMSON,

*Conferees on the Part of the Senate.*

On motion of Mr. Daniels, Ward 1, Manchester, the report of the committee was adopted.

Mr. Matson of Concord, for the Committee of Conference, to whom was referred Senate Bill No. 83, An act to separate the fire department of the Lebanon Center Village Fire Precinct from the water works department of said precinct and to incorporate each department, recommended that the Senate recede from its position of non-concurrence in the amendments proposed by the House and that the Senate concur in said amendments which were as follows:

Amend section 13 by inserting after the word, "actions" in the first line the words, if said meetings, votes and actions would be legal except for technicalities, so that said section as amended shall read as follows. 13. *Meetings Legalized.* All meetings, votes and actions, if said meetings, votes and actions would be legal except for technicalities, held and taken by the Lebanon Center Village Fire Precinct from the date of its organization to the date of the approval of this act are hereby legalized. All authority heretofore vested by the legislature of this state in the Lebanon Center



Village Fire Precinct shall remain vested in the Lebanon Water Works and the Lebanon Center Precinct Fire Department in such manner as is provided for by this act.

Amend section 15 by striking out the whole section and inserting in place thereof the following:

15. *Takes Effect.* This act shall take effect if and when it is ratified in accordance with an article in the warrant at the next annual meeting, or at a previous legally called special meeting of the Lebanon Center Village Fire Precinct, but not otherwise.

CURTIS H. PAGE,  
EDMOND J. MARCOUX,  
JOSEPH B. PERLEY,

*Conferees on the Part of the Senate.*

DONALD G. MATSON,  
FRANK B. CLARKE,  
BLAYLOCK ATHERTON,  
GEO. H. DUNCAN,  
C. A. CHANDLER,

*Conferees on the Part of the House.*

On motion of Mr. Duncan of Jaffrey the report of the committee was adopted.

On motion of Mr. Kenney of Loudon the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Kenney of Loudon, for the Committee on Agriculture, to whom was referred Senate Bill No. 65, An act relative to mines and minerals, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Forests and Reservations.* Amend chapter 192 of the Public Laws by inserting after section 10 (section 18, chapter 226, commissioners' report) the following new section: 10-a. *Prospecting and Mining.* On terms approved by the forestry and recreation commission the state forester may issue a license of mining prospector to any suitable person who is a citizen of the United States upon payment of a fee of five dollars, for any calendar year, which license shall entitle said person to prospect for valuable mineral deposits on certain designated state forests and reservations, provided that no such license shall be issued for said purposes on areas for improved recreational use, or set apart for scenic, historical or other purposes, or which have been acquired under particular terms and conditions inconsistent with said prospecting purposes. Every licensee hereunder shall at all times be responsible to the state for any damages caused by such prospecting. Any licensee who discovers a valuable mineral deposit may file application with the state forester for a concession to develop the same, which concession may be granted if approved by the forestry and recreation commission and the governor and council. Any contract therefor shall include the requirement of the posting of a bond with a surety company for such amount as the commission and the governor and council may determine. The state forester, with the approval of the commission, is authorized to make such rules and regulations as he deems necessary to carry out the provisions of this section and any person found guilty of violating such rules and regulations shall be fined not more than fifty dollars.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendment having commenced,

on motion of Mr. Kenney of Loudon, further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

On motion of Mr. Kenney of Loudon the rules were suspended, the bill read a third time by its title and passed and sent to the Senate for concurrence.

On motion of Mr. Frissell of Keene the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Merrill of Plymouth, for the Committee on Ways and Means, to whom was referred House Bill No. 438, An act providing for licenses for amusement machines, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 438, An act providing for licenses for amusement machines, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

CHARLES R. THOMAS,  
O. WILLIAM HAYES,  
ERWIN E. CUMMINGS,  
E. W. CARTER,  
JAMES D. DAY,  
HENRY MILBURN,  
HUGH M. GRAHAM,  
MARYE CARON,  
BERNADETTE E. CHAROIS,  
*A Minority of the Committee.*

The report was accepted.

Mr. Frissell of Keene moved that the bill and accompanying reports be indefinitely postponed.



The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Wiggin of Manchester, Duncan of Jaffrey, Tarbox of Marlboro, Seymour of Carroll, Hutchins of Stratford and Frissell of Keene spoke in favor of the motion.

Messrs. Pickett of Keene and Cummings of Lyndeborough spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone was adopted.

### Reconsideration

Mr. Chase of Manchester moved that the House reconsider the vote whereby the House voted to refer to the next Legislature House Bill No. 156, An act relating to the Water Resources Board.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Chase of Manchester, Mills of Jaffrey, Upton of Concord, and Tilton of Ward 4, Laconia spoke in favor of the motion.

Messrs. Hunter of Hanover, Pennell of Exeter and Baldwin of Pittsburg spoke against the motion.

Mr. Hamilton of Lisbon moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Chase of Manchester asked for a division but subsequently withdrew his request.

On motion of Mr. Daniels of Ward 1, Manchester, the rules were suspended to allow for the presentation of three committee reports which had not previously been advertised in the Journal.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 449, An act relative to emergency appropriations, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 70, Joint resolution in favor of Guy S. Neal and others, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Daniels, Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 448, An act relative to compensation of officers and employees of the legislature, reported the same, with the recommendation that the bill be referred to the next legislature.

The report was accepted and the resolution of the committee adopted.

On motion of Mr. Daniels, Ward 1, Manchester, the rules were suspended, and House Bill No. 449 and Joint Resolution No. 70 were put upon their third reading and final passage at the present time.

House Bill No. 449, An act relative to emergency appropriations.

House Joint Resolution No. 70, Joint resolution in favor of Guy S. Neal and others.

Severally read a third time and passed and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate refused to concur with the House of Representatives in its amendment to Senate Bill No. 65, An act relative to mines and minerals, and asked for a Committee of Conference, and the President has appointed as a part of such committee on the part of the Senate, Senators Kelley and Schurman.

On motion of Mr. Kenney of Loudon the House acceded to the request of the Honorable Senate for a Committee of Conference, and the Speaker appointed as members on such committee on the part of the House Messrs. Kenney of Loudon, Upton of Concord, and Hutchins of Stratford.

### Order Vacated

On motion of Mr. Palmer of Plaistow the order whereby Senate Bill No. 92, An act relative to the open season for taking salt water smelt, was referred to the Committee on Fisheries and Game, was vacated, and the bill was put upon its third reading and final passage at the present time.

The bill was read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Duncan of Jaffrey the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Duncan of Jaffrey, for the Committee on Judiciary, to whom was referred Senate Bill No. 44, An act relative to Ward 14, in the city of Manchester, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.



On motion of Mr. Duncan of Jaffrey the rules were suspended, the bill put upon its third reading and final passage at the present time.

The bill was read a third time and passed, and sent to the Secretary of State to be engrossed.

### Resolutions

Mr. Pickett of Keene offered the following resolution:

*Resolved*, That the Clerk be instructed to procure 400 copies of the Liquor Commission report of expenditures and salaries of the personnel of departments as printed in the Journal of Wednesday, June 11.

The resolution was referred to the Committee on Appropriations.

Mr. Tarlson of Laconia offered the following resolution:

*Resolved*, That the House of Representatives approves the suggestion that the Congress of the United States award posthumously the congressional medal of honor to General William Mitchell.

*Further Resolved*, That a copy of this resolution be forwarded to the New Hampshire members of the United States House of Representatives and Senate.

On a *viva voce* vote the resolution was adopted.

### Recess

### After Recess

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 319, An act relating to the development of aeronautics.

House Bill No. 350, An act establishing a trade school in the city of Manchester.

House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

House Bill No. 405, An act relating to income from motor vehicle road tolls.

House Bill No. 426, An act relative to the audit of municipal accounts.

House Bill No. 437, An act designating for improvement a new defense highway.

House Bill No. 441, An act to repeal charters of certain corporations.

House Bill No. 447, An act relating to the salaries of the commissioners of the county of Rockingham.

House Joint Resolution No. 68, Joint resolution establishing a committee to study the practice of automobile financing.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills:

Senate Bill No. 78, An act providing for license plates for certain vehicles.

Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct, and to incorporate each department.

Senate Bill No. 86, An act relating to regulations for certain sewage systems.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled joint resolution, sent up from the House of Representatives:

House Joint Resolution No. 69, Joint resolution in favor of the estate of Patrick E. Kane.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 433, An act relating to liability insurance.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill and joint resolution, sent up from the House of Representatives:

House Bill No. 444, An act providing for the acceptance of a gift of land from the St. Regis Paper Company and the Connecticut River Power Company for the purpose of a state forest reservation.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on Senate Bill No. 83, An act to separate the Fire Department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct, and to incorporate each department.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 348, An act relating to housing.

Amend section 4 of the bill by striking out the whole of said section and substituting therefor the following:

Section 4. *Cooperation by Municipalities on Defense Housing.* Any municipality, as defined in the Housing Authorities Law, shall have the same rights and powers to cooperate with the housing authorities, or



with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities that such municipality has pursuant to such law for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

On motion of Mr. Mills of Jaffrey the House concurred in the the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 95, An act defining a lottery.

#### **Senate Bill Read and Referred**

Senate Bill No. 95, An act defining a lottery.

Read a first and second time and referred to the Committee on Revision of the Statutes.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 2500 inhabitants, defining their powers and duties, and authorizing cities, towns, counties and other public bodies to aid and cooperate in the undertaking of slum-clearance and housing projects for families of low income.

Amend section 3, subsection (a) by striking out the letter "(a)" and substituting therefor the figure I.

Further amend said section, subsection (b) by striking out the whole of said subsection and substituting therefor the following:

II. "Municipality" shall mean any city in this state. The "Municipality" shall mean the particular municipality for which a particular housing authority is created.

Further amend said section by striking out the whole of subsection (c).

Further amend said section by striking out the whole of subsection (d) and substituting therefor the following:

III. "Governing body" shall mean that governing body which is designated as such by the charter of the particular city.

Further amend said section by striking out the whole of subsection (e) and substituting therefor the following:

IV. "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

Further amend said section by striking out the whole of subsection (f) and substituting therefor the following:

V. "Clerk" shall mean the clerk of the city or the officer charged with the duties customarily imposed on such clerk.

Further amend said section by striking out the whole of subsection (g) and substituting therefor the following:

VI. "Area of Operation" shall include the municipality in which a housing authority is created and the area within six miles of the territorial boundaries thereof, but the area of operation of a housing authority shall not include any area which lies within the

territorial boundaries of any other municipality (as herein defined).

Further amend said section, subsection (h) by striking out the letter "(h)" and substituting therefor the figures VII.

Further amend said section, subsection (i) by striking out the letter "(i)" and substituting therefor the figures VIII.

Further amend said section, subsection (j) by striking out the letter "(j)" and substituting therefor the figures IX.

Further amend said section, subsection (k) by striking out the letter "(k)" and substituting therefor the figure X.

Further amend said section, subsection (l) by striking out the letter "(l)" and substituting therefor the figures XI.

Further amend said section, subsection (m) by striking out the letter "(m)" and substituting therefor the figures XII.

Further amend said section, subsection (n) by striking out the letter "(n)" and substituting therefor the figures XIII.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Creation of Housing Authorities.* In each municipality, as herein defined, of the state there is hereby created a public body corporate and politic to be known as the Housing Authority of the municipality; provided that such authority shall not transact any business or exercise its powers hereunder until or unless a majority of the legal voters of said municipality present and voting as herein provided shall have voted in favor of the creation of such housing authority and the governing body of the municipality by proper resolution shall have declared that there is need for an authority to function in such



municipality. At any municipal election the governing body on its own motion shall cause to be inserted on the official ballot for said election the following question: "Shall a housing authority as provided in an act passed at the 1941 session of the legislature relative to housing be created in this city?" If a majority of the legal voters present and voting at such election votes in favor of the creation of such housing authority the governing body may adopt a resolution declaring that there is need for a housing authority in the municipality at any time thereafter if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such municipality or (b) that there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the approval of the creation of an authority by the voters of said municipality and of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms, no further detail being necessary, that either or both of the above

enumerated conditions exist in the municipality. A copy of such resolution and a record of the referendum vote duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

Amend section 5 of the bill by striking out the whole of said section and substituting therefor the following:

5. *Appointment, Qualifications and Tenure of Commissioners.* When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the Mayor of such adoption. Upon receiving such notice, the Mayor shall appoint five persons as commissioners of the authority created for said city. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the municipality for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or re-appointment of any commissioner shall be filed with the Clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a

majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The Mayor shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Amend section 7 of the bill by striking out the whole of said section and substituting therefor the following:

7. *Removal of Commissioners.* For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the Mayor, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Clerk.

Amend section 8, subsection (f), by striking out the whole of said subsection and substituting therefor the following:

(f) Within its area of operation; to investigate into living, dwelling and housing conditions and into



the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to co-operate with the municipality, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

Amend section 21 of the bill by striking out the whole of said section and substituting therefor the following:

21. *Tax Exemption and Payments in Lieu of Taxes.* The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the State or any political subdivision thereof; provided, however, that in lieu of such taxes an authority may agree to make payments to the political subdivision for improvements, services and facilities furnished by such subdivision for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such subdivision upon the property included in said project prior to the time of its acquisition by the authority.

Amend section 23 of the bill by striking out the whole of said section and substituting therefor the following:

23. *Co-operation in Undertaking Housing Projects.* For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is au-

thorized to act, any municipality may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority or the Federal Government;

(b) Cause parks, playgrounds, recreational, community, educational, water sewer or drainage facilities or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such municipality; make exceptions from its building regulations and ordinances; and change its map;

(e) Cause services to be furnished to the housing authority of the character which such municipality is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such municipality of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

(g) Employ (notwithstanding the provisions of any other law) any funds belonging to or within the control of such municipality, including funds derived from the sale or furnishing of property or facilities to a housing authority, in the purchase of the bonds of a housing authority; and exercise all the rights of any holder of such bonds;

(h) Do any and all things, necessary or convenient

to aid and co-operate in the planning, undertaking, construction or operation of such housing projects;

(i) Incur the entire expense of any public improvements made by such municipality in exercising the powers granted in this Act; and

(j) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority respecting action to be taken by such municipality pursuant to any of the powers granted by this Act. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a municipality without appraisal, public notice, advertisement or public bidding.

(k) With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no municipality shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

Amend section 24 of the bill by striking out the whole of said section and substituting therefor the following:

24. *Agreements as to Payments by Housing Authority.* In connection with any housing project located wholly or partly within the area in which it is authorized to act, any city or taxing power thereof may agree with a housing authority or the Federal Government that a certain sum (in no event to exceed the amount last levied as the annual tax of such Body upon the property included in said project prior to the



time of its acquisition by the housing authority) or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

Amend section 25 of the bill by striking out the whole of said section and substituting therefor the following:

25. *Advances to Housing Authority.* Any municipality in which a housing authority has been created shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it.

Amend section 26 of the bill by striking out the whole of said section and substituting therefor the following:

26. *Procedure for Exercising Powers.* The exercise by a Municipality of the powers herein granted may be authorized by resolution of the governing body of such municipality adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

Amend the title of the bill by striking out the whole of said title and substituting therefor the following:

An Act authorizing the Creation of Housing Authorities in Cities, defining their Powers and Duties, and authorizing them to aid and co-operate in the undertaking of Slum Clearance and Housing Projects for Families of Low Income.

The amendments were laid upon the table to be printed.

### Committee Report

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 24, An act relative to the Raymond road in the town of Nottingham.

Senate Bill No. 82, An act to extend the commission on disability benefits.

House Bill No. 329, An act relating to non-resident privileges.

House Bill No. 430, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1943.

The report was accepted.

On motion of Mrs. Morris of Lancaster the House adjourned from the morning session.

The House was immediately called to order in the afternoon session.

On motion of Mr. Duncan of Jaffrey at 9:26 o'clock the House adjourned.

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FRIDAY, JUNE 13, 1941.

The House met according to adjournment.

Prayer was offered by the Chaplain.

### Joint Convention

His Excellency the Governor appeared and delivered the following message:

In accordance with article 50 of the Constitution, the governor prorogues the legislature at the close of the session. From past experience I know that it is in the wee hours of the morning when the sessions

with which I have been connected have ended. There are very few members of either the House or Senate present. I am, therefore, taking this opportunity to speak to you briefly before you finally adjourn to express a word of appreciation for the cooperation you have afforded me during the days of the session.

It has been a pleasure to greet the members of both the House and Senate with whom I have had the pleasure of serving in former sessions. It has been gratifying, at the same time, to make the acquaintance of new members who have come to Concord for the first time this year.

You yourselves know best whether the many problems of legislation, and the host of bills and resolutions have been presented with the interest of the state foremost in mind. I feel that the approach has been very generally in this spirit. Hours spent in committee meetings and sessions of the House and Senate have been long and sometimes not as fruitful as we might wish. Withal, you have evidenced a patient seriousness and industry which I commend. There have been individual differences of opinion. That is part of the democratic way, and in so far as they have been honest and thoughtful differences the best interests of the state have been served.

In the functioning of the general court I have always felt we had the very essence of democracy at work. Here we find an opportunity for the fullest and freest expression on the part of each member of the general court. It is a principle which applies alike to the representative of the smallest and most remote town and of the largest city. It is our good fortune to be living in a land where no individual or group can direct the opinion of the general court. Each of you have been free to make your own decision as members of this legislature, having an obligation only to your constituents and yourselves.

As you return to your constituents and your



ordinary pursuits, you should have confidence that you have served them well, and have shared in making the state's laws. I am sure that they will agree that at a time when the effectiveness of the dictator method is being flaunted at us, you have proven the efficiency of democracy at its best, the democratic principles which have made the America we know, and which the world now recognizes as the strongest potential fortress against those forces which seek to extinguish human rights. During these months this legislature has, in this sense, been sitting at the table of world politics . . . playing a strong hand. It is because we propose to maintain this way of governing and of living that we are straining all our energies, state and national, in defense efforts. If any of us are not yet sure what is being defended, we have failed to see the perfect object-lesson offered by this general court.

When the acts of this session are compiled, I am confident that the citizens of this state will agree that you have performed your duties well.

In conclusion, none of us can foresee or predict in these rapidly changing times what the next two years may bring forth, but as we separate I want to assure you of my sincere gratitude for your aid. With it goes an expression of my hope that you may individually be blessed with good health and prosperity, and many of you return here when the legislature of 1943 convenes.

On motion of Senator Moran of District No. 18, the convention rose.

### House Resolutions

Mr. Pennell of Exeter offered the following resolution:

*Whereas*, the 1941 session of the General Court of New Hampshire is now drawing to its close;

*And Whereas*, The House of Representatives of said Court has had for its Speaker, a young man, Charles Henry Barnard of Manchester:

*And Whereas*, Charles Henry Barnard has conducted the arduous and important duties of Speaker in a fair, impartial and most efficient manner, and has endeared himself to the members of the House of Representatives by his friendly, democratic conduct, and his helpful advice and assistance to all who were in need of it;

*Now Therefore, Be It Resolved*, That the House by this resolution spread these facts upon its records:

*And Be It Further Resolved*, That the Clerk of the House be instructed to transmit a suitably engrossed copy of this resolution to Charles Henry Barnard.

*Done* in the House of Representatives of the General Court of New Hampshire, Concord, June the thirteenth, in the year of our Lord nineteen hundred and forty-one.

The resolution was unanimously adopted by a rising vote.

Mr. Upton of Concord offered the following special joint rule:

### **Special Joint Rule**

*Resolved* by the House of Representatives, the Senate concurring, that the following special joint rule be adopted:

1. House Bill No. 98, "An act to Revise, Codify and amend the Public Laws of the State of New Hampshire," shall not be engrossed in the usual manner, but the amendments adopted shall be incorporated in one of the printed copies of the act, which copy shall constitute the engrossed bill.

The special joint rule was adopted, and sent to the Senate for concurrence.

### Committee Reports

Mrs. Otis of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 44, An act naming Calef lake.

Senate Bill No. 91, An act relative to the municipal budget law.

House Bill No. 316, An act relating to boxing and wrestling.

House Bill No. 437, An act designating for improvement a new defense highway.

House Bill No. 447, An act relating to the salaries of the commissioners of the county of Rockingham.

House Bill No. 411, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

House Bill No. 441, An act to repeal charters of certain corporations.

Senate Bill No. 92, An act relative to the open season for taking salt water smelt.

The report was accepted.

Mr. Matson of Concord, for Committee on Engrossed Bills, to whom was referred House Bill No. 421, An act relative to the retirement system for firemen, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 by inserting after the title the following amending clause: Amend section 4 of said chapter 154 by striking out said section and inserting in place thereof the following:

Amend section 11 by striking out all of said section after the word "effective" and inserting in place thereof the following: only in case of firemen who applied for benefits under this act prior to August 1, 1939,



and shall not apply to firemen who became entitled to such benefits after that date.

Amend section 13 by inserting before the word "such" in the nineteenth line the words, when performing; by striking out the words "when done" in the twentieth line; by inserting before the word "such" in the twenty-first line the words, and in; and by striking out the words "such sum shall be divided in such manner as the board in its discretion shall determine to continue" and inserting in place thereof the words: the board in its discretion shall pay such sum.

Amend section 14 by striking out the word "to" in the thirteenth line and inserting in place thereof the word, for. Further amend said section by striking out the third, fourth and fifth sentences and inserting in place thereof the following:

The chief, clerk or other responsible officer of a fire company whose members have applied for the benefits of this act shall forward to the secretary of the board, on a form approved by the board, the number and the names of such members as of July first of every year and shall also notify the board of any dismissals, resignations or deaths during the year of any of its members who were eligible to the benefits of this act. New members applying for the benefits of this act during the fiscal year, who are not replacing former members of their company who had applied for benefits of this act, shall be assessed the full amount as stated above, if their applications are received on or before December thirty-first of any year, but their protection under the act shall run only to June thirtieth of the following year or to the beginning of the new fiscal year. All new members who are not replacing former members during the fiscal year whose applications are received on or after January first of

any year shall be assessed one-half the amount stated above and shall be protected only to June thirtieth of the same year or to the beginning of the new fiscal year.

Further amend said section by striking out the word "to" in the forty-eighth line and inserting in place thereof the word, for.

Amend section 16 by adding at the end thereof the following: and no claim for death shall be valid unless such death shall be immediate or preceded by total and continuous disability from such date.

On motion of Mr. Potter of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 431, An act making appropriations for certain state departments of the State of New Hampshire for the year ending June 30, 1942, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the paragraph relative to board of funeral directors by striking out the figure "\$4,265" and inserting in place thereof the figure "\$4,275."

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 84, An act relating to legacy receipts, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out the first seven lines and inserting in place thereof the following:

1. *Minors not Under Legal Guardianship.* Amend section 18-a of chapter 307 of the Public Laws, as inserted by chapter 37 of the Laws of 1937 (section 20, chapter 351, commissioners' report) by striking out said section and inserting in place thereof the following: 18-a. *Probate Receipts.* Whenever any minor not being

On motion of Mr. Osborne of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Guay of Laconia, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 51, An act relative to power of towns to make by-laws or ordinances licensing hawkers and peddlers, reported the same with the amendments as printed in the Journal of June 12, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

On motion of Mr. Osborne of Concord the rules were suspended, the bill put upon its third reading and final passage, by title, at the present time.

The bill was read a third time and passed, and sent to the Senate for concurrence in the amendment.

Mrs. Otis of Concord, for the Committee on Public Health, to whom was referred Senate Bill No. 79, An act relating to the sale of drugs, reported the same with the amendments as printed in the Journal of June 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.



On motion of Mr. Duncan of Jaffrey the rules were suspended, the bill put upon its third reading, and final passage, by title, at the present time.

The bill was read a third time and passed, and sent to the Senate for concurrence in the amendment.

Mr. Wyman of Candia, for the Committee on Judiciary, to whom was referred Senate Bill No. 73, An act relating to the operation and control of ski tows, reported the same with the recommendation that the bill ought to pass.

A minority of the Committee on Judiciary, to whom was referred Senate Bill No. 73, An act relating to the operation and control of ski tows, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Duncan of Jaffrey moved that the bill and its accompanying reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Duncan of Jaffrey, Robbins of Fremont and Seymour of Carroll spoke in favor of the motion.

Messrs. Wyman of Candia, Wiggin of Manchester, Grinnell of Derry and Tilton of Ward 4, Laconia, spoke against the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Holden of Hanover asked for a division, but subsequently withdrew his request, and the motion to indefinitely postpone did not prevail.

The question being, Shall the bill be read a third time?

Mr. Wiggin of Manchester asked for a division.

A division being had, 107 members voted in the affirmative, and 131 members voted in the negative,

and less than two-thirds of the members elected being present, and less than two-thirds of those present having neither voted in the affirmative or negative, no valid action was taken, and the bill with the motion pending went into unfinished business.

Mr. Mills of Jaffrey, for the Committee on Judiciary, to whom was referred Senate Joint Resolution No. 5, Joint resolution opposing the St. Lawrence seaway project, reported the same with the recommendation that the joint resolution ought to pass.

The undersigned, a minority of the Committee on Judiciary, to whom was referred Senate Joint Resolution No. 5, Joint resolution opposing the St. Lawrence seaway project, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

AMOS N. BLANDIN,  
GEO. H. GRINNELL,  
RALPH M. HUTCHINS,  
GEORGE H. DUNCAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Duncan of Jaffrey moved that the resolution and its accompanying reports be indefinitely postponed.

(Discussion ensued)

Mr. Duncan of Jaffrey spoke in favor of the motion.

Messrs. Tilton of Ward 4, Laconia, Mills of Jaffrey, Wyman of Candia, Taylor of Whitefield, and Comi of Concord spoke against the motion.

Mr. Carter of Manchester moved the previous question?

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Duncan of Jaffrey asked for a division.

A division being had, 73 members voted in the affirmative, and 173 members voted in the negative, and the motion to indefinitely postpone did not prevail.

On a *viva voce* vote the bill was ordered to a third reading.

On motion of Mr. Tilton of Ward 4, Laconia, the rules were suspended, the joint resolution put upon its third reading, by caption, at the present time.

The joint resolution was read a third time and passed, and sent to the Secretary of State of be engrossed.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up the House of Representatives:

House Bill No. 435, An act providing for the appointment of acting officials in certain cases.

House Bill No. 445, An act authorizing application to the superior court by fiduciaries or beneficiaries of trust funds.

House Joint Resolution No. 59, Joint resolution relating to forest fires.

House Joint Resolution No. 70, Joint resolution in favor of Guy S. Neal and others.

House Bill No. 317, An act to provide for the publication and distribution of the revised laws of the State of New Hampshire.

House Joint Resolution No. 33, Joint resolution relating to the regulation of ski traffic.



The message further announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled bills:

House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942.

House Bill No. 44, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1943.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 308 (in new draft), An act relating to motor vehicles carrying passengers for hire.

Amend section 30 of said bill by striking out the whole of said section and inserting in place thereof the following: 20. *Repeal.* Chapter 258 of the Public Laws (Chapter 295 of commissioners' report) is hereby repealed, effective April 1, 1942. Section 8 of Chapter 106, Laws 1933 (Chapter 281, Section 8, commissioners' report) is hereby repealed upon the passage of this act.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate has voted to concur in special joint rule, sent up from the House of Representatives.

*Resolved*, by the House of Representatives, the Senate concurring, that the following special joint rule be adopted:

1. House Bill No. 98, "An act to revise, codify and amend the Public Laws of the State of New Hamp-

shire," shall not be engrossed in the usual manner, but the amendments adopted shall be incorporated in one of the printed copies of the act, which copy shall constitute the engrossed bill.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

Amend section 3 by striking out the word "or" in the seventeenth line.

Amend section 5 by striking out the words "as complying with the provisions of this section."

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further stated that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, as printed in the House Journal of June 12, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 227, An act authorizing the creation of housing authorities in cities and towns having a population of more than 2500 inhabitants, defining their powers and duties and authorizing cities and towns, counties and other public bodies to aid and co-operate in undertaking in slum clearance and housing projects for families of low income.

On motion of Mr. Mills of Jaffrey the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Committee Reports

Mrs. Otis of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 317, An act to provide for the publication and distribution of the revised laws of the state of New Hampshire.

House Bill No. 401, An act authorizing the state of New Hampshire to take over the Warren-Woodstock road in the towns of Warren and Woodstock for the purpose of maintenance.

House Bill No. 444, An act providing for the acceptance of a gift of land from the St. Regis Paper Company and the Connecticut River Power Company for the purpose of a state forest reservation.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Robert H. Stobie.

House Joint Resolution No. 33, Joint resolution relating to the regulation of ski traffic.

House Joint Resolution No. 69, Joint resolution in favor of the estate of Patrick E. Kane.

The report was accepted.

On motion of Mr. Osborne of Concord the rules were suspended to allow the Committee on Revision of the Statutes to hold a hearing on Senate Bill No. 95, An act defining a lottery, without advertising in the Journal.

### Recess

### After Recess

On motion of Mr. Wiggin of Manchester, the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.



Mr. Wiggin of Manchester, for the Committee on Judiciary, to whom was referred Senate Bill No. 87, An act increasing the penalty for crime committed during any so-called blackout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

#### Committee of Conference

Mr. Upton of Concord, for the Committee of Conference, to whom was referred Senate Bill No. 65, An act relative to mines and minerals, reported the same with the recommendation that the Senate recede from its position of non-concurrence and that the House recede from its position in adopting its amendment and that the following amendment be adopted:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Forests and Reservations*. Amend chapter 192 of the Public Laws by inserting after section 10 (section 18, chapter 226, commissioners' report) the following new section: 10-a. *Prospecting and Mining*. On terms approved by the commission, the state forester shall issue a license of mining prospector, upon application, to any citizen of the United States upon payment of a fee of five dollars, for the calendar year, which license shall entitle said person to prospect for valuable mineral and metal deposits, excepting common sand and gravel, on all unimproved state forest lands and reservations and in the beds of great ponds and navigable waters; provided, however, that no such license shall entitle any person to prospect on improved areas devoted to recreational uses or other public uses inconsistent with prospecting, on areas of scenic or historical importance, and on areas which have been acquired under particular terms and con-

ditions inconsistent with prospecting. The state forester may by regulation with the approval of the commission define more particularly, but not inconsistently with this section, the areas closed to prospecting. Every licensee hereunder shall be liable to the state for all unreasonable damage to state lands caused by such prospecting. Any licensee who discovers a valuable mineral or metal deposit, upon filing a claim therefor with the state forester upon forms which shall be issued and furnished by him, shall have a mining claim for the whole of such deposit and may exploit such deposit subject to the reasonable regulation of the commission and subject to the payment to the state of a reasonable royalty to be determined by the commission. The right to such mining claim shall continue so long as the licensee expends on such claim annually at least one hundred dollars in exploring, prospecting, testing, assaying, preparing for mining and mining such claim. The state forester, with the approval of the commission, is authorized to make such reasonable rules and regulations as he deems necessary to carry out the provisions of this section. Any person prospecting on closed areas as defined herein and any person violating any provision of this section, or any rule or regulation issued hereunder, shall be fined not more than fifty dollars, and his license may be suspended or revoked in the discretion of the commission.

2. *Takes Effect.* This act shall take effect upon its passage.

BLAKE T. SCHURMAN,  
EMMET J. KELLEY,

*Conferees on the Part of the Senate.*

MARTYN KENNEY,  
RALPH M. HUTCHINS,  
RICHARD F. UPTON,

*Conferees on the Part of the House.*

On motion of Mr. Upton of Concord the report of the Committee of Conference was adopted.

### Recess

### After Recess

On motion of Mr. Peaslee of Weare, the rules were suspended to allow for the presentation of a committee report, which had not previously been advertised in the Journal.

Mr. Peaslee of Weare, for the Committee on Revision of the Statutes, to whom was referred Senate Bill No. 95, An act defining a lottery, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Communication

The following report was read by the Speaker.

Honorable Charles H. Barnard,  
Speaker of the House of Representatives,  
State House, Concord, N. H.

DEAR SIR:

The Governor received today the enclosed copy of the report of the Commission for the Study of Occupational diseases in New Hampshire, and has requested that the same be transmitted forthwith to the general court.

Very truly yours,

ENOCH D. FULLER,  
*Secretary of State.*

*To His Excellency the Governor and the Honorable  
General Court:*

The Commission for the Study of Occupational Disease in New Hampshire, appointed in 1935 and re-



established in 1937 and 1939, submits its third report. In the last report it was recommended that further study should be made of the industrial hygiene problem in New Hampshire, and that the work should be carried out by an engineer specially trained in the subject of industrial hygiene. This study was to be made in the granite industry and allied dust industries. A report of this study in the granite, mica, feldspar and foundry industries has been made and a copy of its findings are in your hands. This last study quite clearly demonstrates the tremendous proportion of our industrial population which is exposed to health hazards. We are pleased to report that the co-operation of the employer and employees have eliminated, at our suggestion, many of these hazards, and we believe more of this work may be carried out.

On the basis of the data collected by this study and previous studies, it is the opinion of the commission that the following recommendations should be approved and adopted as standard procedures for a state program of industrial hygiene:

1. Provision should be made for the State Board of Health to increase its present services to industry, namely, to make investigations of conditions of occupation with reference to hazards to health, to determine the degree of such hazards, and to investigate and evaluate methods for the control of same.

2. Provision should be made for the State Board of Health, in cooperation with the Bureau of Labor, to establish and enforce rules and regulations concerning the control of occupational disease. For this purpose minimum allowable concentrations in air of such toxic materials as dusts, fumes, vapors and other harmful materials to which workers are exposed should be established.

3. Arrangements should be made for the better reporting of occupational diseases.

4. In order to extend the services of the Industrial Hygiene Unit of the State Board of Health, funds should be appropriated to supplement the Federal funds with which the work of that unit is now financed.

Problems arising in the protection of the health of industrial workers and the control of occupational diseases may be expected to be greatly augmented in the present emergency. This is evidenced by the various studies being carried out by the Bureau of Labor and by many other Federal agencies under state headings. While the line of demarcation between occupational illness and illness among occupational workers is a doubtful one, the practical approach to the occupational disease problem is prevention.

Starting with the studies already made and added to this the present study, it is believed that an intelligent and worthwhile program can be evolved. The commission believes that much good can be accomplished by more extended use of the advice and help already available from the existing industrial hygiene unit of the State Board of Health. To a large degree the problem is one of safety engineering. The commission believes that the final solution of this problem is more definitely in the hands of the employer and employee if they are given adequate instruction and advice by the existing state agencies. We furthermore feel that by increasing the power of the existing state agencies, much can be done to alleviate if not eliminate the problem.

Respectfully submitted for the Commission,

EDWARD PUTNAM,  
*Chairman.*

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 434, An act relating to forest fires and their prevention.

Amend said bill by inserting after section 8 the following new section:

9. *Appropriation.* For the purpose of providing additional funds for the Forestry and Recreation Commission the sum of nine thousand dollars is hereby appropriated for the following specific purposes: The sum of five thousand dollars for the purchase of forest fire fighting equipment, as authorized by section 9-a of chapter 191 of the Public Laws; the sum of two thousand five hundred dollars for administrative expenses in connection with enforcement of the provisions of sections 7 and 8 of this act, and one thousand five hundred dollars for replacement or repair of fire fighting equipment destroyed or damaged by the forest fires of the spring of 1941. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Further amend said bill by renumbering section 9 to read section 10.

On motion of Mr. Daniels of Ward 1, Manchester, the House refused to concur in the amendments sent down from the Honorable Senate and asked for a Committee of Conference.

The Speaker appointed as members on such committee Messrs. Hunter of Hanover, Nelson of Hopkinton and Sawyer of Woodstock.



House Bill No. 449, An act relative to emergency appropriations.

Amend section 1 by striking out said section and inserting in place thereof the following:

1. *Authority Conferred.* In case the appropriations for the ensuing biennium for the state prison, the industrial school, the Laconia state school, the state hospital, the state sanatorium, the state teachers' colleges, the University of New Hampshire, and the soldiers' home for foodstuffs, clothing, fuel and other necessities should be insufficient for the needs of said institutions because of an increase in the prices of said commodities the governor and council are hereby authorized to provide for such necessities for said institutions in an amount not to exceed two hundred and fifty thousand dollars, and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated. The sums which may be allowed to any such institution under the provisions hereof shall be in addition to appropriations otherwise made for said institution.

On motion of Mr. Daniels of Ward 1, Manchester, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products.

Amend the first section by inserting before the figure "4" the following:

1. *Definition.* Amend section 4 of chapter 236 of the Public Laws, as amended by chapter 114, Laws of 1935 (section 4 of chapter 276 of the commissioners' report) by striking out said section and inserting in place thereof the following:

Amend section 2 by striking out the first six lines and inserting in place thereof the following:

2. *Taxation.* Amend section 7 of chapter 60 of the Public Laws (section 8 of chapter 73 of the commissioners' report) by striking out said section and inserting in place thereof the following:

Amend section 3 by striking out the first five lines and inserting in place thereof the following:

3. *Eminent Domain Proceedings.* Amend chapter 244 of the Public Laws by inserting after section 7 (section 14, chapter 285, commissioners' report) the following new section: 7-a. *Pipe Line Companies.* Whenever any pipe line

Further amend said section 3 by striking out the word "hereinafter" in the eighth line and inserting in place thereof the word, herein.

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner.

Amend the title by adding the words at the end, and others.

On motion of Mr. Chase of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 319, An act relating to the development of aeronautics.

Amend section 26 by changing the last paragraph lettering from VII to VIII.

Amend section 8 by striking out the next to the last sentence therein.

Further amend said section 8 by striking out the first sentence thereof and inserting in place thereof the following:

8. *Powers and Duties.* The commission is hereby authorized in the name of the state to engage in any aeronautical activity essential to the progress of aeronautics including the purchase and sale of equipment and supplies necessary for or incidental to any of its functions, the furnishing of service and accommodations in connection with the maintenance of airports or airport services, the operation of aeronautical schools, the rendering of essential services on airports maintained by the state in connection with the state airways system; may engage in such activities jointly with the United States, other states, and with political subdivisions or other agencies of the state, and may charge reasonable fees for such operations.

Amend section 32 by inserting after the word "hereof" in the third line the words: any funds received from the state treasurer as unrefunded tolls under the provisions of an act passed at the present session entitled "An act relating to income from motor vehicle road tolls;"

Amend said bill by inserting after section 39 the following new section.

40. *Definition.* Amend Paragraph IV of section 1 of chapter 145 of the Laws of 1941 by striking out said paragraph and inserting in place thereof the following: IV. "Director" means the New Hamp-



death of Frank B. Williams, brother-in-law of Scott C. W. Simpson of Bartlett, therefore be it

*Resolved*, That the Clerk be instructed to extend its sympathy to Representative and Mrs. Simpson.

RALPH L. GRINDLE,  
CARL D. HAYES,  
HARRY P. SMART,  
FRED HUNTRESS,  
EDITH D. BANFIELD,

*Committee on Resolutions.*

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred the resolution relative to additional mileage, reported the same without recommendation.

The report was accepted and the resolution of the committee adopted.

### Resolutions

Mr. Daniels of Ward 1, Manchester, offered the following resolution:

Amend the resolution by striking out the same and inserting in place thereof the following:

*Resolved*, That the members of the House of Representatives answering the roll call after adjournment *sine die* on Friday, June 13, be allowed their actual mileage to and from their homes at the rate of ten cents a mile.

On a *viva voce* vote the resolution was adopted.

Mr. Seymour of Carroll offered the following resolution:

*Resolved*, That the Clerk be instructed to mail to members copies of Friday's Journal and other legislative matters not received on closing day.

On a *viva voce* vote the resolution was adopted.

Mr. Blandin of Bath offered the following resolution:

*Resolved*, by the House of Representatives, the

one hundred dollars in exploring, prospecting, testing, assaying, preparing for mining and mining such claim. The state forester with the approval of the commission is authorized to make such reasonable rules and regulations as he deems necessary to carry out the provisions of this section. Any person prospecting on closed areas as defined herein and any person violating any provisions of this section, or any rule or regulation issued hereunder, shall be fined not more than fifty dollars, and his license may be suspended or revoked in the discretion of the commission.

2. *Takes Effect.* This act shall take effect upon its passage.

The question being on the report of the committee.

(Discussion ensued)

Mr. Upton of Concord spoke in favor of the report.

On a *viva voce* vote the report of the Committee of Conference as amended was adopted.

### Recess

### After Recess

### Committee Appointed

Pursuant to the resolution adopted on June 12th on the death of Frank B. Williams, brother-in-law of Scott C. W. Simpson, the Speaker appointed the following committee, Messrs. Grindle of Conway, Hayes of Tuftonboro, Smart of Ossipee, Huntress of Freedom, and Mrs. Banfield of Moultonborough.

### Resolution

On motion of Mr. Grindle of Conway the following resolution was adopted:

*Whereas*, this House has learned with sorrow of the

the following new section 10 A. *Prospecting and Mining*: On terms approved by the commission, the state forester may issue a license of mining prospector, upon application, to any citizen of the United States upon payment of a fee of five dollars, for the calendar year, which license shall entitle said person to prospect for valuable mineral and metal deposits, excepting common sand and gravel, on all unimproved state forest lands and reservations and in the beds of great ponds and navigable waters; provided, however, that no such license shall entitle any person to prospect on improved areas devoted to recreational uses or other public uses inconsistent with prospecting, on areas of scenic or historical importance, and on areas which have been acquired under particular terms and conditions inconsistent with prospecting. The state forester may by regulation with the approval of the commission define more particularly, but not inconsistently with this section, the areas closed to prospecting. Every licensee hereunder shall be liable to the state for all unreasonable damage to state lands caused by such prospecting and may be required to post a surety bond in a reasonable sum with personal or other sureties with the state forester as a guarantee therefor. Any licensee who discovers a valuable mineral or metal deposit, upon filing a claim therefor with the state forester upon forms which shall be issued and furnished by him, shall have a mining claim for all or any part of such deposit as may be determined by the commission with the approval of the governor and council, and may exploit such claim subject to the reasonable regulation of the commission and subject to the payment to the state of a reasonable royalty to be determined by the commission. The right to such mining claim shall continue so long as the licensee expends on such claim annually at least



*Resolved*, That the members of the House of Representatives and attaches attending the session and signing the roll, today, Saturday, June 14, be allowed their actual mileage to and from their homes at the rate of 10c per mile.

The resolution was referred to the Committee on Appropriations.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate requests the House of Representatives to return to the Senate for further consideration,

House Bill No. 425, An act relating to the highway department six-year budget and state aid for Class V highways.

### Recalled from the Governor

On motion of Mr. Upton of Concord, Senate Bill No. 65, An act relative to mines and minerals, was recalled from the Governor.

On motion of the same member the House rescinded the vote whereby it adopted the report of the Committee of Conference.

Mr. Upton of Concord offered the following amendment to the report of the Committee of Conference.

Amend the report of the Committee on Conference on Senate Bill No. 65, by striking out the whole of said report and substituting in place thereof the following:

Amend said bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *State Forests and Reservations.* Amend chapter 192 of the Public Laws by inserting after section 10 (section 18, chapter 226, commissioners' report)

Mr. Hunter of Hanover spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### Reconsideration

Mr. Corson of Derry moved that the House reconsider the vote whereby it voted inexpedient to legislate Senate Bill No. 95, An act defining a lottery.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. Osborne of Concord spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

### Committee Appointment

The Speaker announced the following temporary committee appointments:

Messrs. Phelps of Andover and Young of Whitefield to the Committee on Engrossed Bills.

### Reconsideration

Mr. Carroll moved that the House reconsider the vote whereby the House refused to adopt the resolution relating to mileage of members.

On a *viva voc* vote the motion to reconsider prevailed.

The question being on the adpotion of the resolution.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke for the motion.

Mr. Tilton of Ward 4, Laconia spoke against the motion.

On a *viva voce* vote the resolution was adopted.

Mr. Carroll of Manchester offered the following amendment.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Bill No. 49, An act relating to the salary of the deputy insurance commissioner.

House Bill No. 405, An act relating to income from motor vehicle road tolls.

House Bill No. 449, An act relative to emergency appropriations.

House Joint Resolution No. 59, Joint resolution relating to forest fires.

House Joint Resolution No. 68, Joint resolution establishing a committee to study the practice of automobile financing.

House Bill No. 350, An act establishing a trade school in the city of Manchester.

House Bill No. 445, An act authorizing application to the superior court by fiduciaries or beneficiaries of trust funds.

The report was accepted.

### Resolution

Mr. Palmer of Plaistow offered the following resolution:

I move that the House reconsider its non-concurrence in the amendments offered by the Senate on House Bill No. 425, An act relating to the highway department six year budget and state aid for Class V highways, and that it accede to the request of the Honorable Senate.

The question being on the resolution.

(Discussion ensued)



On a *viva voce* vote the negative appeared to prevail. Mr. Callahan of Keene asked for a division.

A division being had, the vote was declared manifestly in the negative and the resolution was referred to the Committee on Liquor Laws.

### **Recess**

### **After Recess**

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 43, An act making appropriations for the expenses of the state for the year ending June 30, 1942.

House Bill No. 44, An act making appropriations for the expenses of the State for the year ending June 30, 1943.

House Bill No. 85, An act relating to the sale and delivery of beverages.

House Bill No. 227, An act authorizing the creation of housing authorities in cities defining their powers and duties, and authorizing them to aid and co-operate in the undertaking of slum clearance and housing projects for families of low income.

House Bill No. 348, An act relating to housing.

The message also announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 425, An act relating to the highway department six year budget and state aid for Class V highways.

The question being on the adoption of the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Mills of Jaffrey offered the following resolution:

*Whereas*, the able and robust member from Nashua, the Honorable Mabel T. Cooper, and

*Whereas*, the said member conducted the Mock Court of this great legislative body with force and dignity on the night of June 13, be it hereby

*Resolved*, That the appreciation and thanks of the House of Representatives be extended to the Honorable Mabel T. Cooper with the hope she may preside in the same capacity for many years to come.

The resolution was unanimously adopted by a rising vote.

Mr. Callahan of Keene offered the following resolution.

*Whereas*, a report of the expenditures and salaries of the personnel of the State Liquor Commission is printed in the Journal for Wednesday, June 11; and

*Whereas*, the figures so printed do not seem to give an adequate picture of the situation as it exists; be it

*Resolved*, That the Speaker appoint an interim committee to investigate the personnel of the said Liquor Commission and the expenditures thereof; said committee to consist of three members of the House, to serve without pay, and to submit a report containing their findings to the House of Representatives at the next session of the Legislature.

The resolution was referred to the Committee on Liquor Laws.

Mr. Callahan of Keene moved that the rules be suspended, and the reference to a committee of the resolution be dispensed with.

The question being on the motion to suspend the rules.

marketing associations from regulation as carriers for hire.

Amend section 1 by striking out the first two lines and inserting in place thereof the following:

1. *Exemption of Vehicles of Cooperative Marketing Associations.* Amend section 4 of chapter 106, Laws of 1933 (section 4, chapter 281, commissioners' report) by adding at the end thereof the following new paragraph:

On motion of Mr. Corson of Derry the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolutions

Mr. Myhaver of Peterborough offered the following resolution:

*Resolved*, That no member of the House shall be allowed any monies other than his regular salary, and regular mileage, approved by the mileage committee, unless said monies are approved by the House of Representatives. This resolution to be effective as of June 11, 1941.

The resolution was referred to the Committee on Appropriations.

Mr. Myhaver of Peterborough moved that the rules be suspended and the reference to a committee of the resolution be dispensed with.

The question being on the motion of Mr. Myhaver.

(Discussion ensued)

Mr. Tilton of Ward 4, Laconia spoke in favor of the motion.

On a *viva voce* vote the rules were suspended.



(section 28, chapter 226, commissioners' report) the following new sections:

Further amend said section by renumbering the paragraphs 18-a, 18-b, and 18-c to read 21-a, 21-b and 21-c, respectively.

On motion of Mr. Hale of Rindge the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 436, An act relating to the payment of county taxes.

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *County Taxes.* Amend chapter 39 of the Public Laws (chapter 48, commissioners' report) by adding after section 10, as amended by chapter 50, Laws of 1933, and chapter 42, Laws of 1939, the following new section: 10-a. *Abatement of Interest.* Any town from which interest is due to the

On motion of Mr. Ashe of Northumberland the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 350, An act establishing a trade school in the city of Manchester.

Amend section 5 by inserting after the word "federal" in the second line the words, or state.

On motion of Mr. Witherill of Cornish the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 378, An act to exempt cooperative

the House of Representatives in its amendments to the following entitled bills:

Senate Bill No. 51, An act relative to powers of towns to make by-laws or ordinances licensing hawkers and peddlers.

Senate Bill No. 79, An act relating to the sale of drugs.

Senate Bill No. 76, An act regulating the size of clams which may be possessed.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 43, An act making appropriations for the expenses of the state for the year ending June 30, 1942.

House Bill No. 421, An act relative to the retirement system for firemen.

Senate Bill No. 84, An act relating to legacy receipts.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 434, An act relating to forest fires and their prevention.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands.

Amend section 1 by striking out the first four lines and inserting in place thereof the following:

1. *Loss of Taxes on Public Forest Lands.* Amend chapter 192, Public Laws by inserting after section 21

348, An act relating to housing, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph VII of section 7 by striking out the same and inserting in place thereof the following:

VII. "Housing authority," as used in this act, shall mean any housing authority established pursuant to the Housing Authorities Law enacted at the 1941 session of the Legislature.

On motion of Mr. Hutchins of Stratford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 227, An act authorizing the creation of housing authorities in cities, defining their powers and duties, and authorizing them to aid and cooperate in the undertaking of slum clearance and housing projects for families of low income, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Renumber sections 23 to 30, inclusive, so that they will read sections 22 to 29, inclusive.

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Senate for concurrence.

### **Recess**

### **After Recess**

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with



1934, as amended by chapters 13 and 68 of the Laws of 1935 (section 12, chapter 167, commissioners' report), and as further amended by chapter 90, Laws of 1941, by striking out said section and inserting in place thereof the following: 12. *Rules and Regulations*.

Further amend said bill by striking out the eighteenth and nineteenth lines and inserting in place thereof the following: the guests and except that a wholesale permittee may sell and deliver beverages at any time on election days for resale only. Liquor or

On motion of Mr. Jean of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 44, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1943, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Strike out the grand total for the entire budget namely "\$5,789,128.47" and insert in place thereof the figures \$5,789,528.47.

Amend the paragraph relative to the insurance department by striking out the figures "\$1,800" and inserting in place thereof the figures, \$2,200, and by striking out the figures "\$25,440" and inserting in place thereof the figures, \$25,840.

On motion of Mr. Osborne of Sunapee the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No.

ined and found correctly engrossed the following entitled bills and joint resolution:

House Joint Resolution No. 61, Joint resolution in favor of Samuel Feiner and others.

House Bill No. 319, An act relating to the development of aeronautics.

House Bill No. 439, An act providing for the operation and regulation of pipe lines for the transportation of petroleum and its by-products.

House Bill No. 433, An act relating to liability insurance.

House Joint Resolution No. 70, Joint resolution in favor of Guy S. Neal and others.

Senate Bill No. 78, An act providing for registration plates for certain vehicles.

Senate Bill No. 86, An act relating to regulations for certain sewage systems.

Senate Joint Resolution No. 5, Joint resolution opposing the St. Lawrence seaway project.

House Joint Resolution No. 66, Joint resolution relative to the abolishment of certain grade crossings in the towns of Whitefield and Dalton.

House Bill No. 211, An act relative to guaranty agreements provided in case of the sale of lightning rods.

The report was accepted.

Mr. Matson of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 85, An act relating to the sale and delivery of beverages, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the first eight lines and inserting in place thereof the following:

1. *State Liquor Commission.* Amend section 12 of chapter 3 of the Laws of the Special Session of

The message also announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 425, An act relating to the highway department six-year budget, and aid for class V highways.

And the President has appointed as members on the part of the Senate Senators Thomson and Marcoux.

House Bill No. 434, An act relating to forest fires and their prevention.

And the President has appointed as members on the part of the Senate Senators Hall and Heald.

### **Committee Reports**

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 44, An act relative to Ward 14 in the city of Manchester.

House Bill No. 352, An act relating to the construction of an aerial tramway on Mt. Sunapee in the town of Newbury.

Senate Bill No. 84, An act relating to legacy receipts.

House Bill No. 421, An act relative to the retirement system for firemen.

House Bill No. 431, An act making appropriations for certain state departments of the state of New Hampshire for the year ending June 30, 1942.

The report was accepted.

### **Recess**

### **After Recess**

Mr. Matson of Concord, for the Committee on Engrossed Bills, reported that the committee had exam-



On motion of Mr. Tarbox of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 405, An act relating to income from motor vehicle road tolls.

Amend section 5 by striking out the first three lines and inserting in place thereof the following:

5. *Safety of Navigation.* Amend section 6 of chapter 160 of the Laws of 1941 by inserting after the word "hereunder" the words,

On motion of Mr. Tarbox of Marlboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions, sent up from the House of Representatives:

House Bill No. 49, An act relating to the salary of the insurance commissioner.

House Bill No. 377, An act relative to the sale of alcoholic beverages.

House Joint Resolution No. 64, Joint resolution providing for expenses of special session of convention to revise the constitution.

House Joint Resolution No. 66, Joint resolution relative to the abolishment of certain grade crossings in the towns of Whitefield and Dalton.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on Senate Bill No. 65, An act relative to mines and minerals.

of non-concurrence and concur with the amendments offered by the Honorable Senate.

EDGAR H. HUNTER,  
LEWIS A. NELSON,  
HARRY D. SAWYER,

*Conferees on the Part of the House.*

PHILIP C. HEALD,  
CARROLL E. HALL,

*Conferees on the Part of the Senate.*

On motion of Mr. Osborne of Sunapee the report of the committee was adopted.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills to House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942, reported the same with the following amendment and recommended that the bill as amended ought to pass.

In appropriation for insurance department change salary of deputy commissioner by striking out figures "\$1,800" and inserting in place thereof the figures \$2,200.

Strike out total for insurance department \$25,340 and inserting in place thereof the total of \$25,740.

For state hospital, current expenses, strike out figures "\$25,360" and insert figures \$31,360. Strike out total figures \$268,334 and insert the figures \$270,334, and strike out total "\$888,821" and insert the figures \$891,221.

Strike out the total of the budget appropriation "\$5,508,364.47" and insert the figures \$5,510,764.47.

mittee Messrs. Hunter of Hanover, Palmer of Plais-tow, and Condon of Newport.

### Recess

### After Recess

### Resolution

Mr. Bresnahan of Manchester offered the following resolution:

### Concurrent Resolution

Concurrent resolution asking the approval of bi-monthly payment of old age assistance.

*Whereas*, the special investigating committee appointed to investigate old age assistance offered the suggestion of bi-monthly payment to all those receiving said old age assistance, therefore be it

*Resolved*, That this House, the Senate concurring, expresses its approval of said plan of bi-monthly old age assistance payments to be paid on or before the fifteenth and thirtieth day of each month, by the State Department of Welfare and Relief.

The question being on the resolution.

(Discussion ensued)

Messrs. Bresnahan of Manchester and Osborne of Sunapee spoke in favor of the resolution.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

### Committee of Conference

Mr. Hunter of Hanover, for the Committee of Conference, to whom was referred House Bill No. 434, An act relating to forest fires and their prevention, recommended that the House recede from its position



5. ——— *Salary.* Amend section 5, chapter 83 of the Public Laws by striking out the words "five thousand five hundred" and inserting in place thereof "six thousand," so that said section as amended shall read as follows: 5. ——— *Salary.* The annual salary of the commissioner shall be six thousand dollars, together with his actual expenses when on official duty elsewhere than in the office of the department.

6. *Vacancy.* Amend section 4, chapter 83 of the Public Laws by striking out said section and inserting in place thereof the following: 4. *Deputy Commissioner.* The commissioner may appoint a deputy commissioner who shall, in the absence or incapacity of the commissioner, have all the powers and duties of the highway commissioner. The compensation of such deputy shall be subject to the approval of the Governor and Council.

7. *Takes Effect; Repeal.* This act shall take effect upon its passage. All acts or parts of acts inconsistent with this act are hereby repealed.

Amend section 5, Chapter 181 of the Public Laws as amended by section 161, Laws of 1929, by striking out the words "thirty-five hundred" and inserting in place thereof the words "four thousand" so that said section as amended shall read as follows:

5. *Salary.* His salary shall be four thousand dollars a year and he shall be allowed his actual expenses when on official duty elsewhere than in his office in the department.

Mr. Myhaver of Peterborough moved that the House non-concur in the amendments sent down from the Honorable Senate and asked for a Committee of Conference.

The Speaker appointed as members on such com-

shire aeronautics commission created by an act passed at the 1941 session of the Legislature. All powers and duties conferred by this chapter upon the state director of aeronautics shall be transferred to the aeronautics commission created by said act.

Further amend said bill by renumbering section 40 to read section 41.

On motion of Mr. Wiggin of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 433, A act relating to liability insurance.

Amend the paragraph in section 1 which is numbered III by inserting after the word "vehicle" in the tenth line the words, except as provided in paragraph VI of this section.

On motion of Mr. Noyes of Bethlehem the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 425, An act relating to the highway department six-year budget and state aid for Class V highways.

Amend section 5 of the bill by striking out the word "seven" wherever it occurs and substituting in place thereof the word six; so that said section as amended shall read:

Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to receive any communication he may be pleased to make.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members of such committee Miss Spollett of Hampstead, Mr. Bartlett of Lee, Mr. Rollins of Alton, Mrs. Banfield of Moultonboro, Mrs. Otis of Concord, Mrs. Gilmartin of Manchester, Miss Bailey of Newport, Mrs. Downing of Littleton, and Mrs. Morris of Lancaster.

### Committee Report

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 79, An act relating to the sale of drugs.

House Bill No. 85, An act relating to the sale and delivery of beverages.

House Bill No. 98, An act to revise, codify and amend the Public Laws of the State of New Hampshire.

Senate Bill No. 51, An act relative to power of towns to make by-laws or ordinances licensing hawkers and peddlers.

House Bill No. 44, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1943.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:



Senate Bill No. 65, An act relative to mines and minerals.

### **Indefinitely Postponed**

In accordance with the concurrent resolution that all bills and joint resolutions pending in either branch on Friday, June 13, at 5 o'clock be indefinitely postponed, the following bills and joint resolutions were indefinitely postponed:

House Bill No. 32, An act relative to the employment of a chaplain for the Legislature.

House Bill No. 78, An act establishing a commission to raise additional revenue for the state.

House Bill No. 190, An act relating to the legalizing of the game of bingo or beano, so-called.

House Bill No. 230, An act relating to Labor Day.

House Bill No. 243, An act relative to abatement of taxes.

House Bill No. 253, An act to amend the charter of the city of Keene.

House Bill No. 268, An act relating to the mayor of Concord.

House Bill No. 367, An act relating to ward lines in the city of Concord.

Senate Bill No. 57, An act relating to the city of Portsmouth.

Senate Bill No. 81, An act providing for licenses at public carnivals.

House Joint Resolution No. 15, Joint resolution providing for a committee to revise the motor vehicle financial responsibility law.

House Joint Resolution No. 38, Joint resolution for the improvement of a road in Deerfield.

House Joint Resolution No. 49, Joint resolution for the improvement of the General James Reid highway in the town of Richmond.

Concurrent resolution relating to the joint rules of the Senate and House of Representatives.

Senate Bill No. 50, An act relating to salt water fish.

Senate Bill No. 73, An act to regulate the operation and control of ski tows.

Concurrent Resolution establishing an interim committee to investigate the personnel of the Liquor Commission and the expenditures thereof.

### Resolution

Mr. Matson of Concord offered the following resolution:

### Resolution

*Resolved*, That the House of Representatives in General Court convened, hereby expresses its thanks to the following persons who generously gave of their talents and time to assist the chairman of the House Engrossed Bills Committee complete the arduous work of engrossing a multitude of legislation in the final days of the 1941 session to wit:

ENOCH D. FULLER,  
HARRY E. JACKSON,  
MARION ALEXANDER,  
MARY M. JENKINS,  
NELLIE C. ROLLINS,  
VIOLA E. THAYER,  
NELLIE A. MEGRATH,  
KATHERINE P. FRENCH,  
ELEANOR BROWN,  
JOHN E. CASSIDY,  
SARA OTIS,  
RUTH ROUNDS,  
VICTOR E. PHELPS,  
ALDEN N. YOUNG,  
RUTH E. MATSON,  
SHIRLIE H. MATSON,  
ELIZABETH O. THOMAS,  
HARRY SAWYER,

*And be it Further Resolved*, That the Clerk be instructed to mail a copy of this resolution to each of the above named persons.

DONALD G. MATSON,  
*Chairman, Engrossed Bills Committee.*

The resolution was unanimously adopted by a rising vote.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the adoption of the following concurrent resolution:

*Resolved*, That the House of Representatives in Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency the Governor, and inform him that the Legislature has completed the business of the session and is ready to receive any communication he may be pleased to make, and the President has appointed as members on the part of the Senate, Senators Howard, Downs, Bragg, Moran and Reinhart.

The message also announced that in accordance with the concurrent resolution that all bills and joint resolutions pending in either branch on Friday, June 13th, at five o'clock, be indefinitely postponed, the following bills were indefinitely postponed:

Senate Bill No. 20, An act relative to primary elections.

Senate Bill No. 35, An act relating to financial and personnel director for state institutions and departments.

Senate Bill No. 57, An act relating to salaries for councilmen in the city of Portsmouth.



Senate Bill No. 68, An act transferring the powers and duties of certain boards to the planning and development commission.

Senate Bill No. 80, An act relative to the membership of the forestry and recreation commission.

Senate Bill No. 90, An act relative to the sale of liquor and other alcoholic beverages to army and navy commissaries.

Senate Bill No. 96, An act relative to hours of labor for guards and attendants at the State Prison.

Senate Bill No. 97, An act relating to the Finance Commission of the city of Manchester.

House Bill No. 220, An act relating to bait and fly fishing.

### Committee Reports

Mr. Matson of Concord, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 434, An act relating to forest fires and their prevention.

House Bill No. 435, An act providing for the appointment of acting officials in certain cases.

House Bill No. 377, An act relative to the sale of alcoholic beverages.

House Bill No. 425, An act relating to the highway department six year budget and state aid for Class V highways.

Senate Bill No. 65, An act relative to mines and minerals.

House Bill No. 227, An act authorizing the creation of housing authorities in cities, defining their powers and duties, and authorizing them to aid and co-operate in the undertaking of slum clearance and housing projects for families of low income.

House Bill No. 65, An act relating to reimbursement of towns for loss of taxes on public forest lands.

House Bill No. 308, An act relating to motor vehicle passengers for hire.

House Bill No. 426, An act relative to the audit of municipal accounts.

Senate Bill No. 83, An act to separate the fire department of the Lebanon Center Village Fire Precinct from the Water Works Department of said precinct and to incorporate each.

House Bill No. 348, An act relating to housing.

House Bill No. 436, An act relating to the payments of county taxes.

Senate Bill No. 76, An act regulating the size of clams which may be possessed.

House Bill No. 378, An act to exempt cooperative marketing associations from regulation as carriers for hire.

House Joint Resolution No. 64, Joint resolution providing for expenses of special session of convention to revise the constitution.

House Bill No. 43, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1942.

The report was accepted.

### Resolution

Mr. Smart of Ossipee offered the following resolution:

*Whereas*, an emergency may arise so that the furniture in the Senate Chamber cannot reasonably be replaced, and

*Whereas*, said furniture is the property of the state of New Hampshire and is of historical value, therefore be it

*Resolved*, That the House of Representatives hereby place itself on record as being opposed to the action of the Senate in disposing of the desks, chairs, and

other furniture to the members of the Senate, and be it further

*Resolved*, That the House recommend that said furniture be placed in the care of the Superintendent of the State House.

The question being on the resolution.

(Discussion ensued)

Mr. Smart of Ossipee spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Daniels of Ward 1, Manchester offered the following resolution:

#### **Resolution of Thanks to Edward T. McShane**

*Whereas*, the printing of our daily Journals, bills and joint resolutions is of the greatest importance, and

*Whereas*, said printing has been done by the Granite State Press of Manchester, promptly and with every courtesy possible, therefore be it

*Resolved*, That we extend to the printer, Edward T. McShane, our fullest appreciation and most sincere thanks for all services rendered, the cheerfulness with which that work was carried out and his actual assistance.

On a *viva voce* vote the resolution was adopted.

#### **Resolution**

Mr. Wiggin of Manchester offered the following resolution:

*Whereas*, the lady members at opening of the 1941 session voluntarily, thoughtfully and courteously motioned and carried a rule that granted men members the privilege to enjoy the universal weed tobacco to their hearts' content, therefore be it

*Resolved*, That we, the men, wish to express our thanks and appreciation by a rising vote.



The resolution was unanimously adopted by a rising vote.

Senator Howard of District No. 15, for the Joint Committee appointed to wait upon His Excellency, the Governor, and inform him that the Legislature had completed its duties, reported that they had attended to their duties.

The report was accepted, and His Excellency, Robert O. Blood, then came in and delivered the following message:

*To the House of Representatives:*

I have been advised by the Joint Committee of the Senate and House of Representatives that you have completed the business of the session and are therefore ready to adjourn. I am happy to inform you at this time that all bills and resolutions that have been passed by the General Court, this closing day of the session, have received executive approval.

It therefore becomes my duty as Governor of New Hampshire, to declare this 127th session of the General Court of New Hampshire adjourned, to the last Wednesday in the month of December, in the year of our Lord, one thousand, nine hundred and forty-two.

ROBERT O. BLOOD,  
*Governor.*

Mr. Myhaver of Peterborough moved that the House adjourn.

Whereupon the Speaker declared the House adjourned to the last Wednesday in December, 1942.

CYRIL J. FRETWELL,  
*Clerk.*

*A true copy: attest*

CYRIL J. FRETWELL,  
*Clerk.*

## APPENDIX

## Rockingham County

	<i>Miles per Week</i>
Atkinson, Harry B. Tuttle .....	42
Auburn, Harvey F. Stowe .....	23
Brentwood, LeRoy M. Lake .....	40
Candia, Eliot V. Wyman .....	23
Chester, Preston E. Goodrich .....	29
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